

Dr. Ambedkar as Member of the Governor-General's Executive Council

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Election of Members to the Standing Committee for the Labour Department

The Honourable Dr. B. R. Ambedkar (Labour Member) : Sir, I beg to move:

" That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects with which the Labour Department is concerned."

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

" That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects with which the labour Department is concerned."

Dr. P. N. Banerjea (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, there are several Standing Committees attached to the different Departments, but there is no Standing Committee of this House which numbers only three. Now, what can be the reason for the small number of Members elected by this House ? Either the Labour Department is not an important Department, or it may be due to the fact that the Standing Committee is never called, or

called very rarely, do discuss any matter. I should like to have information on either of these two subjects. Is the Labour Department an important Department ? I find that it is in charge of a very eminent person like Dr. Ambedkar. Even if it was an unimportant Department before, it should cease to be an unimportant Department at the present day at least so long as he is in control of the subject. But if it is to be an important Department, the Standing Committee should consist of a much larger number of persons. Look at the Standing Finance Committee, look at the Standing Finance Committee for Railways, and look at the Public Accounts Committee. The number of Members of any of these Committees is much larger than three. I am told that this Committee does not meet very often I do not know whether it is a fact and that even when it meets, not much business is placed before this Committee. If that be so, I am afraid the utility of the Committee will be greatly diminished. I, therefore, appeal to the Government to increase the number of Members to eight. I understand that two Members are selected from the other place. I suggest that eight Members should be elected by this House. If you like, you may increase the number of Members given to the other House.

The Honourable Dr. B. R. Ambedkar : Sir, I am very glad to notice that this motion of mine has excited so much interest from the House. The number three, as I understand, is based neither on the importance nor on any other consideration, but I am told that it is a standard number and that if there are any enlargements or deviations from the standard number, they constitute only an exception and not the rule.

Now, Sir, with regard to the point raised by my Honourable friend Dr. Banerjea that the reason why the number was fixed at three is because the Department pays scant courtesy to this Committee, I submit, is not borne out by facts. The House will notice from what I am saying now that in 1940 there were two meetings of this Committee held and some very important business was placed before the Committee. For instance, at the two meetings that were held in 1940 the subject matter that was placed before the Committee included the conclusions of the Labour Conference, report of the Technical Training Inquiry Committee, scheme for the training of skilled artisans and accommodation in Delhi. In 1941 one meeting was held and there the business placed before the Committee included conclusions of the second Conference of Labour Ministers and progress made with the technical training under the Bevin training scheme. In 1942 one meeting was held and there was also an adjourned meeting held subsequently. The proceedings of the third Conference of Labour Ministers, the summary of the views of the employers and workers' representatives on certain subjects, building programme in Delhi and Simla, proposals relating to the recognition of Trade Unions, progress made with the technical training under the Bevin training scheme and amendments of the National Service (Technical Personnel)

Ordinance, 1940, were the subjects that were placed before the meeting of the Committee. I am sure nobody can say that the Department has not been placing before the Committee matters which are of importance and interest to Labour.

Then, the other thing I would like to submit to the House is this that this is not the only Committee to advise the Labour Department. Besides this, we have now instituted a Plenary Conference which consists of representatives of the Central, Provincial Governments, and also the Indian States, the representatives of employers and of labour are also represented on the Plenary Conference on a very extensive scale. There is no case for so large an increase asked for by the Honourable Dr. Banarjea. In addition to that we have also got the Standing Labour Advisory Committee. Having regard to the circumstances I hold the view that if there was any case for the enlargement of the personnel of the Committee, that case has considerably suffered by reason of the constitution of the Plenary Conference as well as by the Standing Labour Committee. However, if my Honourable friend is anxious that the personnel of this Committee should be increased, I am prepared to increase the number to eight-assigning five to this House and three to the upper Chamber: and I hope this will satisfy my Honourable friends in this House.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan) will the Honourable member please tell the house whether Members of this Committee are members of the Plenary Conference ?

The Honourable Dr. B. R. Ambedkar : Some of them are Messrs Mchta and Joshi are Members both of the Plenary Conference as well the Standing Committee.

Mr. H. A. Sathar H. Essak Sait : Are they ex-officio members of the Plenary Conference?

The Honourable Dr. B. R. Ambedkar : No, they represent their organisations.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan) : Sir, in view of the war conditions this Labour Committee has become very very important. It deals with the labour questions. Besides, as has just been pointed out by the Honourable the Member in charge, this Committee deals with many other important questions such as building matters.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Labour Member has already replied.

The question is:

" That this Assembly do proceed to elect, in such manner as the honourable the President may direct, five non-official Members to sci-ve on the Standing Committee to advise on subjects, with which the Labour Department, is concerned."

The motion was adopted.

The Indian Tea Control (Amendment) Bill

The Honourable Dr. B. R. Ambedkar (Labour Member) : Sir, in view of the observations which fell from my Honourable friend, Mr. Joshi it is only proper that I should rise to state the position of Government on the points that he has made. In a certain sense, the remarks of Mr. Joshi might appear to be irrelevant. We are discussing the Tea Control Act and obviously any provisions dealing with conditions of labour would be entirely out of place therein. But looking at it from a larger point of view, it must be admitted that when the State is asked to suspend the laws of supply and demand with regard to any industry, it is fair that those who are interested in labour should ask that their interests should be protected. And it is from this point of view that I say that a reply from Government is necessary.

Sir, the first point which Mr. Joshi made was that it is now more than 12 years since the Royal Commission on Labour reported and that the Government of India has practically done nothing with regard to the recommendations of that Commission. Sir, I agree that 12 years is a long period for any Government to take in order to deal with the recommendations made by a Royal Commission which was appointed to investigate into this matter. But I think on the facts to which I propose to refer in the brief remarks that I am making, Mr. Joshi will realise and the House will also realise that much serious blame would not be laid at the door of the Government of India. As the Honourable Member will remember, the Royal Commission on Labour made five recommendations with regard to the tea plantation. First was that the Assam Labour Emigrant Act should be repealed and another Act permitting very much greater fluidity to the labour should be enacted. The second recommendation was to establish a wage board for fixing the wages of labourers there. Third recommendation dealt with the appointment of a Board of Health for the welfare of labour in convenient areas with power to make regulations relating to the drinking water, sanitation, drainage, medical facilities and housing. The fourth recommendation was that provisions relating to the regular and prompt payment of wages and deductions to be made for advances made to labour should be applied to plantation labour. The last recommendation was that provision should be made in order that access to public should be provided to gardens.

Now, when the recommendations were made it is important to bear in mind that the Government of India without loss of time examined these recommendations in order to find out which was the proper authority to deal with them, and they came to the conclusion that except the first recommendation which dealt with the repeal of the Emigration Act and substitution of another, all these would legitimately be regarded as fundamentally of local concern. I do not think anybody could contend that the attitude taken by the Government of India in the matter of dividing

responsibility with regard to these recommendations was incorrect. I submit that it was, in pursuance of the decision that the Government of India took on the recommendations of the Royal Commission on Labour they immediately addressed a despatch to the Assam Government informing them that liberty was given to the Local Government to deal with other recommendations, and the Government of India without loss of time, as the Honourable Members know, proceeded to pass the Act which is now on the Statute Book and which covers the first recommendation of the Royal Commission on Labour. Sir, unfortunately, for reasons of which I know very little, the Local Government of Assam did not move in the matter : and if I may say so my Honourable friend Mr. Joshi also, although he has been in the House right from the date when the recommendations were made, did not or does not appear to me to have taken up the question at all. But, Sir, if I may claim credit for the Government of India, the Government of India did move in the matter. I would like to inform the House that in 1938 when the Tea Control Act came up for extension in the Legislature, the Government of India did take initiative and approached the planting industry with a proposal for making enquiry into the conditions of labour in plantation. As my Honourable friends, Mr. Griffiths and Sir Frederick James will recall, even a Conference was held between representatives of the Labour Department and the representatives of Planters.

Maulana Zafar Ali Khan : Why did not the Government of India take to task the Assam Government for not moving in the matter ?

The Honourable Dr. B. R. Ambedkar: The question may have been answered better by the Honourable Member in charge of the Department at that time. I came only yesterday and I know very little about it. The Honourable friend, Mr. Joshi, referred to the question, I am not prepared to say, we're being carried as to whether time had not arrived for making enquiries into the terms of the recommendations. Sir, I find that almost at a time when matters were heading for a decision the new Assam Government, which was the Congress Government, thought it fit to step into the matter and by a Resolution appointed a Committee on the 23rd May, 1939. It is quite natural that as a result of the step taken by the Assam Government the Government of India was bound to withdraw from the field which by the terms of original despatch they had assigned to the Local Government for being dealt with. As my Honourable friend, Mr. Joshi, referred to the question, I am not prepared to say what exactly was the reason, but somehow there was a clash between the members who were on the Committee and the clash developed almost to a conflict with the result that the work of the Committee was suspended. Ultimately the Government of Assam took no action. All that they did was to issue a notification as to what happened and why the Committee was suspended. That brought matters to the end of July, 1939. Obviously every one knows, a few months after that war was declared, and it is impossible for anybody, either the Local Government or the Central

Government, to have initiated an enquiry into the matter. I am sure these circumstances will convince Mr. Joshi that the Government of India is really not liable to be taken to task for any kind of inactivity on its part.

With regard to the main question as to whether Government does or does not consider the necessity of protecting the interests of labour, I would straightaway begin by saying that Government does regard this question as of paramount importance. I do not wish to go into the question as to the conditions of labour on the plantation. We hear in newspapers various figures given ; figures relating to wages in Ceylon, figures given relating to wages on the Assam plantation. I am not prepared to give the imprimatur of Government to either sets of figures as to wages, etc. We have no exact data for the simple reason that so far no investigation has been made in the matter. But I do say one thing that the conditions on tea plantations are unregulated, that they vary enormously from one place to another. There is no common, uniform standard in the conditions of work and the Government of India does think that that is a state of affairs which it can tolerate. It is also clear that we cannot enter upon any legislation unless we have sufficient material brought before us by an impartial enquiry. This is not a condition which the Government of India can be said to have strutted out in order to block any move that may be made in the interests of protecting labour on the plantation. My honourable friend, Mr. Joshi, himself will recollect that this was one of the riders that was put by the Royal Commission on Labour themselves. The Royal Commission, while making the recommendation added a proviso that before these recommendations will be put into operation, specific enquiry ought to be made on the conditions in plantations. Now, Sir, the Government of India has no doubt that this enquiry must be made. Speaking for Government I am prepared to say that Government thinks that proper standards of welfare must be imposed on the plantations. There is no escape. What my Honourable friend, Mr. Joshi, said, I entirely support. It is not open for the Government of India to impose fair conditions of wages on Ceylon as a condition precedent and not applying the same standards of labour in India. The Government of India by the various Ordinances has laid down that wherever any restriction has been imposed upon labour, the Government of India will see that fair conditions of labour are granted to labour. These are the things which the Government of India considers it is bound to apply in the case of plantation labour. Nor can it be denied that whatever may have been the condition of the plantations in the long past, at present the condition of plantations is such that they can bear the weight of such wage standards as a Board may impose upon them.

Now, therefore, the only question that arises is this : can we institute an enquiry at the present moment ? There is no difference between my Honourable friend, Mr. Joshi, and myself as representing the Government of India on the two issues, namely that proper standards must be imposed. As

my Honourable friend, Mr. Joshi, and other Honourable Members of the House know very well, a large part of the tea estates are situated in the Eastern corner of India, Assam and Bengal. It is quite obvious that those areas are greatly exposed to enemy action. It is quite likely that any enquiry that may be started in that corner may have a very disturbing effect. Therefore, the only question that remains is whether we can begin that enquiry on the plantations which are situated in Southern India. I should like to tell the House how the plantations are divided between Northern and Southern India. The figures which I have and which relate to 1941 show that, so far as acreage of the tea plantations is concerned, in Northern India the acreage is 607,000, in southern India the acreage is only 163,132. So far as labour employed on plantations is concerned, in Northern India the labour employed is 773,969 while in Southern India the labour employed is only 144,385.

Sir F. E. James (Madras : European) : That only refers to tea.

The Honourable Dr. B. R. Ambedkar : Yes, we are only talking about tea. It is obvious from the figures which I have given that the plantations in Southern India form a very small portion of the Tea Planting Industry in India.

Maulana Zafar Ali Khan : What is the acreage in Assam ?

The Honourable Dr. B. R. Ambedkar : I am taking the North and South. I am not taking Assam separately. Assam is included in Northern India. It is obvious from these Figures that the plantations in Southern India form a very small portion of the total population working in tea gardens in this country. It seems to the Government of India that no kind of gain can arise either to the country or to the labourers by undertaking such a partial and limited inquiry. It is not possible to begin an enquiry which by the situation in which this war finds itself must necessarily be limited to so microscopic an area of the total plantations.....

Mr. President (The Honourable Sir Abdur Rahim) : I must ask the Honourable Member to realise that the labour question arises only incidentally on this motion.

The Honourable Dr. B. R. Ambedkar : I have nothing more to say.

Dr. Sir Zia Uddin Ahmad : May I know whether the owners of gardens were paid substantial sums of money for not growing tea at all and that was at the expense of the consumers ?

The Honourable Dr. B. R. Ambedkar : That is a matter which the Commerce Secretary will deal with.

Some Honourable Members : The question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

" That the question be now put." The motion was adopted;

The War Injuries (Compensation Insurance) Bill

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move:

" That the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability be referred to a Select Committee consisting of Sir Vithal N. Chandavarkar, Mr. N. M. Joshi, Mr. Jamnadas M. Mehta, Mr. D. S. Joshi, Mr. Hooscinbhoy A. Lalljee, Khan Bahadur Mian Ghulam Kadir Muhammad Shabhan, Mr. C. C. Miller, Mr. E. L. C. Gwilt, Maulana Zafar Ali Khan, Mr. Yusuf Abdoola Haroon, Hajee Chowdhury Muhammad Ismail Khan, Mr. H. A. Sathar H. Easak Sail, Mr. Amarendra Nath Chattopadhyaya, Mr. R. R. Gupta and the Mover, that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be authorised to meet at Simla. "

Mr. President (The Honourable Sir Abdur Rahim): Has the honourable member given the names ?

The Honourable Dr. B. R. Ambedkar : Sir, I will hand over the list now.

Mr. President (The Honourable Sir Abdur Rahim) : The names ought to have been given earlier.

The Honourable Dr. B. R. Ambedkar : Sir, I do not think it would be necessary for me to take much time of the House in order to command this measure to the Honourable members. The main provisions of the Bill are three. The Bill seeks to give compensation to workmen who may become victims of war injuries ; secondly, the Bill seeks to make employers liable for such compensation; and thirdly, the Bill seeks to compel employers to insure against liabilities imposed upon them.

Now, taking the question of compensation, the point to which I wish to draw the attention of the House is that this Bill is a linked measure. It is linked to Workmen's Compensation Act. Now, Sir, the relationship of this Bill to the War Injuries of this Bill to the War Injuries Ordinance to which I have made a reference is plain. As Honourable Members will recall, the War Injuries Ordinance, 1941, defines what is called the qualifying injuries. Those injuries are classified in that Ordinance. What the present Bill does is to adopt in the main the scope and limits of the qualifying injuries as has been defined in the War Injuries Ordinance. As to the question of relationship of the present Bill to the Workmen's Compensation Act that will be clear to the Honourable Members from the fact that the amount of compensation which has been fixed in this Bill for the victim of war injuries more or less follows the scale that has been fixed in the Workmen's Compensation Act.

Now, Sir, the reason for bringing this measure is this : After the War Injuries Ordinance was passed in 1941 a question was raised, a question which is of substance and if I may say so, of some importance and that question is whether the payment made to a workman who unfortunately happened to sustain what is called the qualifying injuries should be a sort of relief or should be compensation. The difference between relief and compensation is quite obvious. Relief is merely to help a person to get over the difficulties to which

he might be reduced by reason of the incapacity which he suffers by a war injury and which prevents him from earning him normal wages. Compensation, on the other hand according to the terms of the Workmen's Compensation Act, seeks to make payment which compensates him fully for the loss which he incurs. When this question was raised a reference was made to the conditions that were prevailing in England and it was found that the British Parliament passed an enactment which is known as the War Injuries Miscellaneous Act of 1936. On examination of the provisions of this English Law it was found that the payments which were allowed under that Act amounted to compensation and not merely relief. Obviously the question arose whether it was not desirable for the Government of India to follow the principle which was laid down in this English statutes. Secondly, some of the employers, on their own accord after the passing of the War Injuries Ordinance of 1941, addressed a letter to the Government of India stating that from their point of view the provisions made in the War Injuries Ordinance were not sufficient for the maintenance of the morale of labour and that compensation should be paid in order that the labourers working in disturbed areas may remain steady at that work. From both these points of view the Government of India accepted the principle of giving compensation to workmen in place of what was originally thought to be only relief.

On examining the provisions of the War Injuries Ordinance, it was found that at a level of about Rs. 24, the payments made under the War Injuries Ordinance constituted not only relief but also compensation. What is therefore necessary to do is to give the workman drawing a salary above Rs. 24 additional rebate which will make payments made to him amount to compensation; that is to say to supplement what he gets under the ordinance so that what he will get will also amount to compensation. This measure therefore is a measure which is a supplementary measure, which supplements the provisions of War Injuries Ordinance of 1941.

Having explained to the house the main provision, namely of compensation and how the Bill was linked up to the War Injuries Ordinance as well as to the Workmen's Compensation Act and having explained to the house the reason which led the Government of India to bring in this supplementary legislation, I will proceed to explain the second main provision of the Bill, namely to make the employer liable for such compensation. It might be said that while under the provisions of the War Injuries Ordinance, it was government which was undertaking the liability to pay relief, the Government also should undertake similar liability for making compensation to those to whom this present Bill applies. It is quite obvious that it is not possible for Government to undertake the liability which under the circumstances of the case may almost amount to anything because if India remains as it is, there may be no liability arising out of this. Or, if the situation worsens, the liability may be quite indefinite and having regard to the capacity of the Government of India, it is quite obvious

that the Government cannot be asked to undertake such indefinite liability. Secondly, I do not think that much can be made of the fact that Government is not undertaking liability in this matter for it will be realised that whatever amount of compensation the employer may be called upon to pay under the liability which we are imposing upon him, it would no doubt be regarded as an admissible revenue expenditure under E. P. T., and consequently in the main the burden would ultimately fall upon the Treasury.

I might also mention that while the Government of India is seeking to impose this liability upon the employers, the Government of India is not forgetting its own obligations to its own employees. Honourable members will find a clause there stating that this Bill does not apply to servants of the Crown or to employees of the Federal Railway. But that does not mean that these employees are not going to get the benefit similar to those which we are providing in this Bill. I should like to inform the House that the Federal Railways as well as the Government of India have informed their employees that they would be prepared to extend the provisions of extra pensions which are contained in the Civil Service Regulations and in the Statutory Rules governing the employment of railwaymen.

Now, Sir, the third provision which seeks to compel the employer to ensure the liability imposed upon him is, I claim to be, a very necessary and a very salutary provision. The object of making this provision is to ensure that the workmen at all time will get the compensation for which this Bill seeks to make provision. It may be, as the House may well realise, that if a factory is bombed or demolished, the assets of an employer are destroyed and if any provision of the sort that is sought to be made in this Bill is in existence, notwithstanding the benefit which the Act extends to the workmen, it may in the final analysis leave the workmen where they are without any opportunity of getting compensation which is provided for. Insurance therefore is guaranteed to the workman that in all circumstances the benefits which the Bill seeks to give him will be there for him, if he is so unfortunately situated as to receive the war injury. The working of the system will be somewhat as follows. The payment will be made by the employer to the employee in the first instance in regard to the terms of the Bill. The employer will be reimbursed out of an insurance fund which may be managed by the Government. The employer will contribute to this insurance fund the premium which will be settled at the end of the war when the total liability will be known. In the meanwhile. Government will be recovering advances from employers against the final premium which will be settled after the war. The quantum of advance will vary from quarter to quarter. In the first quarter the advance will not exceed eight annas per 100 of the Wage bill. For subsequent quarters it will change depending upon the liability that may be outstanding. It may be that there have been no casualties in the preceding quarter. If that is so, it is obvious that no advances will be recovered from the employer. As I

said, the advantage of the insurance scheme is that it ensures the workmen a payment, secondly the risk is distributed-safer areas which are not exposed to any attack will also be contributing towards the payment of compensation to workmen living and working in areas which have been attacked. Thirdly, the burden is proportionate because it is based upon the Wage bill of each employer.

It will therefore be seen, Sir, that the Bill is a very simple measure. I would also say that it is a non-controversial measure. The House would like to know that the idea of the Bill came from the Millowners Association in Bombay in the beginning of 1942. After the suggestion was sent to the Government of India, there was an informal conference held in April 1942 between the Secretary of the Labour Department, Sir Henry Richardson, Sir Frederic James, Mr. Haddow, Mr. Gwilt and Mr. Hooseinbhoj Lalljee. On their suggestion, the employers were consulted, two employers organisations were approached and two All-India organisations of Industrial employers have completely supported the measure. With regard to employers Federation, that organisation unfortunately was divided. One section is in favour, and the other is not. So far as labour representations are concerned, the Standing Labour Committee unanimously recommended this measure. I do not think that anything more is necessary to enable the house to understand fully the provisions of this Bill. Sir, with these remarks, I move.

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The Honourable Dr. B. R. Ambedkar : Sir, I am glad to find such a general support accorded to the measure which I had the pleasure of moving this morning. The words of criticism which have emerged are indeed surprisingly few and most of them came from my Honourable friends, Mr. Miller and Mr. Joshi. My Honourable friend, Mr. Miller, said that it was necessary that the Government should give more information with regard to the measure. I shall always be glad to give him whatever information he wants if he would kindly let me know the points which are troubling his mind. With regard to the other question which he raised, namely, that in his mind there appeared a certain discrimination between the rates we were paying under the War Injuries Ordinance and the rates we proposed to pay under the present measure, I fear he is labouring under a misapprehension because, as I tried to make out, the object of this measure is really to equalise the position of those who are covered by the War Injuries Ordinance and of those who are going to be covered by the present measure. As I pointed out, on examination of the rates we offered to the war injuries victims, we found that those who drew Rs. 24 and above only got relief and those who drew Rs. 24 and below got compensation. And what we propose to do now by this measure is to give compensation to those who stand above Rs. 24. Therefore, my Honourable friend will see that far from creating a position which will be called discriminatory, we are really equalising the position of all workmen to which

both these measures are going to apply. I quite appreciate the point that my Honourable friend, Mr. Miller, made, namely, that this measure is restricted to a certain type of workmen or certain classes of workmen who are defined in clause 5. That is quite obvious from the provisions of the Bill itself. But, as I pointed out, having regard to two circumstances, firstly, that it is not possible for Government to undertake the liability of paying compensation to all workmen and, secondly, having regard to the fact that any scheme of insurance which Government can put forth must be administratively workable, it follows that Government cannot spread itself out to cover all sorts of workmen because, as I said, it would be too much of a liability for Government to take and the scheme will become administratively unworkable. In order that we may run the insurance scheme, it is quite obvious that we must be able to locate an employer on whom we can definitely place the liability and from whom we can recover the premium. In the case of general population it is not possible to locate someone on whom this liability could be imposed and from whom the premium could be demanded. That is certainly the reason why we have been required to limit the scheme to certain classes of workmen who have been defined in clause 5. My Honourable friend, Mr. Miller, said that we have given no justification for confining our scheme to the classes of workmen who have been defined in clause 5. Some of the answers which I could have given to him have already been given by my Honourable friend, Mr. Joshi, and I do not propose to repeat them. The answer really is to be found in the Statement of Objects and Reasons itself. The Statement of Objects and Reasons (paragraph 2) makes it clear that they are exposed to danger in factories and other industrial concerns. That, I submit, is as good a reason as any could be given for confining this measure to the classes of workmen who are defined therein. It cannot be denied that factories and industries are easy targets for enemy attack and the people working there are, therefore, more exposed to danger than the general population.

With regard to the question raised by the Honourable friend, Mr. Joshi, that this Bill does not apply to all workmen and he pointed out two particular cases in which he desired that the provisions of this Bill should be extended, namely, to the labourers working in Assam on tea plantations and seamen, are, no doubt, cases which require some particular answer. Now, Sir, my general answer to the criticism of Mr. Joshi, with regard to these two particular points is this, that Government is quite aware of what he has said and that is the reason why Government has introduced sub-clause (c) in clause 5, whereby Government has reserved to itself the power of extending the provisions of the Bill to other workmen employed in any employment. Government does not regard that the categories of workers defined are the final and that no occasion may arise to include others.

Dr. P. N. Banerjea : It is not exhaustive.

The Honourable Dr. B. R. Ambedkar : It is not exhaustive and, therefore, if

a situation arises when it becomes clear to Government that the provisions of this Bill should be extended to workmen employed in other employments, Government will undoubtedly consider the matter.

With regard to the question of Assam, the only point I would like to make is this that, as I said, we are confining the measure to workmen who are living in what might be called exposed centres. To my mind and according to the information we have at present, it cannot be said that the tea plantations are exposed centres. If at any time the plantations do become exposed centres and subject to risk, there is no doubt about it that either Mr. Joshi may move in the matter or Government will take notice and see that the provisions of this Bill are extended to the labourers in Assam.

With regard to the seamen, I think the matter was brought forward by the Commerce Department and I understand that there is a measure already in existence whereby a provision, if not of the same force, at any rate, analogous to the scheme that we are having, is already in existence. If my Honourable friend, Mr. Joshi, thinks that it is desirable that the Select Committee should examine and make some provision, if that provision is not incongruous with the main features of the Bill, I certainly will raise no objection for his considering the matter in the Select Committee.

My Honourable friend, Mr. Miller, referred to one or two clauses in the Bill. The first was sub-clause 5(3). To that I have given my reply that Government has deliberately introduced that sub-clause by way of caution because Government thinks that the expedience may arise whereby the provisions of this Bill may have to be extended.

The other section to which he referred was section 10 of sub-clause (3). His point of criticism was that by this provision Government proposes that if any balance is left out of the fund the excess will be paid into the general revenues. I understood Mr. Miller to say that this policy of the Government of India was not justified by the circumstances of the case. But if Mr. Miller will bear in mind the fact to which I have already referred, namely, that a good part of the money which will be paid as premia by the employers to this fund will come out of the E.P.T., then it is only proper that Government should be the residuary legatee of such balance. Sir, I have nothing more to say.

Mr. E. L. C. Gwilt (Bombay: European) : May I ask a question from Honourable Member ? He said in his opening speech that it is the Millowners' Association that initialled the scheme.

The Honourable Dr. B. R. Ambedkar : They made a suggestion.

Mr. E. L. C. Gwilt : Did not they also make a suggestion that any money left in the fund after the compensation is completely paid should be devoted to industrial research and if so, will my Honourable friend give consideration to that suggestion ?

The Honourable Dr. B. R. Ambedkar : I have no memory, but I will look into the matter.

Mr. Chairman (Syed Chulam Bhik Nairang) : The question is :

"That the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability be referred to a Select Committee consisting of Sir Vithal N. Chandavarkar, Mr. N. M. Joshi, Mr. Jamnadas M. Mehta, Mr. D. S. Joshi, Mr. Hooscinbhoy A. Lalljee, Khan Bahadur Mian Ghulam Kadir Muhammad Shahban, Mr. C. C. Miller, Mr. E.I.C. Gwilt, Maulana Zafar Ali Khan, Mr. Yusuf Abdoola Haroon, Hajcc Chowdhury Muhammad Ismail Khan, Mr. H. A. Sathar H. Essak Sait, Mr. Amarendra Nath Chattopadhyaya, Mr. R. R. Gupta and the Mover, that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be live and that the Committee be authorised to meet at Simla." The motion was adopted.

14

Employment Exchanges for Skilled and Semi-Skilled Personnel ***Standing Labour Committee Discussions***

Questions relating to labour welfare, war production, the employment of skilled and semi-skilled personnel, industrial disputes and the collection of statistical information on labour problems were discussed at the third meeting of the Standing Labour Committee, in Bombay on May 7 and 8. The Hon'ble Dr. B. R. Ambedkar, Labour Member, presided.

Opinion, in general, favoured the scheme for establishing employment exchanges for skilled and semi-skilled personnel, the scheme being conducted on a voluntary basis. The suggestion that there should be representatives of Provincial Governments on the advisory committees attached to Employment Exchanges was also adopted.

The Conference discussed the insertion of a Fair Wage Clause in Government Contracts. There were suggestions that contracts other than those of the public Works Department should also be covered.

Labour Legislation

The plan for labour legislation and labour welfare during wartime covered aspects like social security, wages and welfare ; and the question whether Wage Boards were desirable in India also came within the scope of discussion. The delegates were assured that the Government of India were anxious to use the machinery of the Tripartite Conference as an advisory body to help them in achieving further progress in respect of labour welfare measures.

It was generally agreed that it was advisable that Labour Officers should be appointed in industrial undertakings, to maintain close touch with labour, hear its grievances and secure redress as expeditiously as possible. Reference was made to the Bombay Millowners Association's scheme for training of Labour Officers.

The meeting was attended by the following delegates and advisers from

Provinces and Indian States and representatives of Employers and workers all over India :—

Government of India: Mr. H. C. Prior, C.I.E., I.C.S., Secretary, Labour Department; Dr. D. T. Jack (Adviser); Mr. R. S. Nimbkar (Adviser); Sir Theodore Gregory (Adviser); and Mr. D. S. Joshi, (Secretary to the Meeting).

Bombay: Mr. C. H. Bristow, C.I.E., I.C.S., Adviser to H. E. the Governor; Mr. G. B. Constantine, I.C.S., Labour Commissioner (Adviser).

Bengal : Mr. A. Hughes, I.C.S., Labour Commissioner.

United Provinces: Mr. J. E. Pedley, C.I.E., M.C., I.C.S., Labour Commissioner.

Madras and Central Provinces and Berar : Rao Bahadur N. R. Chandorkar. Labour Commissioner, C. P. & Berar; Mr. F. R. Brislee, I.C.S., Labour Commissioner, Madras (Adviser).

Punjab, Sind & North-West Frontier Province : Mr. A. P. Le Mesurier, I.C.S., Labour Commissioner, Sind ; Mr. Amin-ud-Din, I.C.S. Secretary, Electrical and Industries Department, Punjab (Adviser).

Bihar, Assam & Orissa: Mr. S. N. Mazumdar, I.C.S., Labour Commissioner, Bihar; Mr. A. S. Ramachandran Pillai, Labour Commissioner, Assam (Adviser) ; Mr. S. Solomon, I.C.S., Director of Industries and Chief Inspector of Factories, Orissa (Adviser).

Chamber of Princes : Mr. Maqbool Mahmood, Secretary, Chamber of Princes.

Hyderabad, Mysore, Travancore, Baroda, Gwalior and Holkar States : Mr. Mahdi Ali Mirza, Labour Commissioner, Hyderabad ; Col. Sirdar M. N. Shitole, Minister of Industries, Commerce and Communication, Gwalior; Mr. B. G. A. Mudaliar, Labour Commissioner, Mysore (Adviser) ; Mr. E. I. Chacko, Director of Industries and Labour Commissioner, Travancore (Adviser), Mr. K. R. Dotiwala, Director of Industries and Labour Baroda (Adviser); Captain H. C. Dhanda, Commerce Minister, Holkar State (Adviser).

All-India Organisation of Industrial Employers : Sir Rahimtoola M. Chinoy, Bombay; Mr. Kasturbhai Lalbhai, Ahmedabad; Mr. D. G. Mulherkar, Delhi (Adviser).

Employers' Federation of India : Sir V. N. Chandavarkar, Bombay ; Mr. K. W. Mealing, Calcutta ; Mr. A. H. Bishop (Adviser).

Other Employers : Dewan Bahadur C. S. Ratnasabapathy Mudaliar, C.B.E., Coimbatore.

All-India Trade union Congress : Mr. N. M. Joshi, Bombay, Mr. Fazal Elahi Qurban, Lahore ; Mr. B. K. Mukerjee, Lucknow (Adviser) ; Mr. P. R. K. Sharma, Madras (Adviser).

Indian Federation of Labour: Mr. S. Guruswamy, Madras; Mr. S. C. Mitra, Cawnpore ; Mr. M. A. Khan, Lahore (Adviser). Other Workers : Mr. R. R. Bhole, M.L.A. (Bombay) Poona.

The Indian Boilers (Amendment) Bill

The Honourable Dr. B. R. Ambedkar (Labour Member), Sir, I move: " That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration."

This measure is a very simple measure. It is a non-controversial measure and it does not involve any matter of principle. Having regard to these considerations, I do not propose to deal at any very great length in explaining the provisions of the Bill. It will be sufficient if I tell the house the circumstances which have led Government to bring in this amending Bill. Briefly, the circumstances are these.

On the 23rd February 1942 there occurred in a mill in Bombay a boiler accident which resulted in a very serious loss of life. When this accident occurred, an enquiry was made by the Government of Bombay in order to ascertain the cause of this accident. It was found as a result of the enquiry that the explosion was due to something that was wrong in the apparatus which is called an " economiser ". To put it specifically, it was pointed out that the tubes of the economiser, which I understand are technically called " feed pipes ", had been weakened as a result of long internal corrosion. This result of the enquiry came as a matter of surprise to Government because under the Indian Boilers Act, 1923 there is a provision made for the Boiler Inspector to regularly inspect boilers and issue certificates that the boilers were in working order. The question arises as to how the boiler Inspector permitted himself to issue a certificate, knowing that the feed pipes of the economiser had become unfit for work. It was then found out that having regard to the regulations issued under section 28 of the Indian Boilers Act, it was not the duty of the boiler Inspector to examine the feed pipes or any other auxiliary apparatus that was connected with the boiler, and it is because of this fact that the feed pipes were not examined in the case of this particular boiler which exploded. It is to remove this lacuna that the present amending Bill has been brought in.

The present Bill makes two amendments. The first amendment is to introduce a new clause (cc) to section 2, which is an interpretation clause. It adds a new term called " feed pipe " and defines what is a feed pipe. The second amendment is to enlarge the scope of what is called a " steam-pipe ". According to the law as it stands to-day, the steam-pipe means the main pipe only and under the amendment the steam-pipe will now include not only the main pipe but also the feedpipe. After this amendment has been carried, it would be possible for Government to amend the regulations framed under section 28 in order to make it obligatory upon the Boiler Inspector not only to examine the steam-pipes but also the feed-pipes. It is because of this that the present Bill has been brought in. Sir, I move that the Bill be taken into consideration.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

" That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration ".

Mr. C. C. Miller (Bengal : European) : There is one small point on which I would seek enlightenment from the Honourable Member. It relates to the system of feed-pipes known as the economiser. This is an adjunct to but not an essential part of a boiler and I take it that the Inspector would not be legally entitled to refuse a certificate for a boiler being in good condition because of there being some defect in the feedpipes provided the owner undertook to disconnect the feed-pipes ?

The Honourable Dr. B. R. Ambedkar : My friend will understand that it is not possible for me to give a categorical answer, but as I am advised, he is quite correct in making the assumption that he has made.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

" That the Bill further to amend the Indian Boilers Act, 1923, be taken into consideration. "

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clauses 1 was added to the Bill.

The title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar: I move that the Bill be passed.

Mr. President (The Honourable Sir Abdur Rahim): The question is:
" That the Bill be passed. "

The motion was adopted.

16

The Motor Vehicles (Drivers) Amendment Bill

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move:

"That the Bill to amend the Motor Vehicles (Drivers) Ordinance, 1942, be taken into consideration."

This is a simple measure. As the House will remember, there have been several Ordinances by which the services of several persons have been requisitioned by Government.

An Honourable Member : How many in all ?

The Honourable Dr. B. R. Ambedkar : I am afraid I have not got the information but I think the general fact is quite well known. The Ordinance which requisitions the services of motor drivers is one of those. After the Ordinance was passed, it was discovered that there was one provision which was present in other Ordinance, but was absent in the Motor Drivers Ordinance. That provision was that there was not anything in the Ordinance requiring the owner to re-employ a motor driver after his services were dispensed with by the authority which had requisitioned his services. It is to fill this gap that the present Bill has been brought in. The purposes of the

amendment are three-fold. The amendment declares the employer's liability to re-employ a driver where his services have been dispensed with by Government. Secondly, it lays down a method for the settlement of disputes as to the liability of the employer. The Bill provides reference to authority nominated by the Provincial Government on their behalf; and thirdly, there is a penalty for non-compliance with the orders passed by the authority. Other provisions in the Bill relate to the limitations on the right of employment which has been given to a motor driver and they are two-fold. In the first place, a motor driver must have been in continuous service for a period of six months before he can claim the right to re-employment. Secondly, he must have applied for re-employment within two months from the date of discharge from the national service. These conditions being satisfied, this present Bill puts him on the same level with other persons whose services have been requisitioned. I have nothing more to say with regard to this Bill. With these remarks. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

" That the Bill to amend the Motor Vehicles (Drivers) Ordinance, 1942, be taken into consideration." The motion was adopted.

* * *

Mr. President (The Honourable Sir Abdur Rahim) : Clause 2.

Sir Cawasjee Jahangir (Bombay City: Muhammadan Urban) : Sir, this is the main clause of the Bill, clause 2, so far as I can make out. I see that the reason for the Bill is to find Employment for such motor drivers as may have been requisitioned by Government for war purposes and the attempt is to make the previous employer employ that motor driver under two conditions, provided he has been in the employment of the original employer for six months and he applies for employment within two months..... . If the Honourable Member will take these points into consideration, he may take time over it. I think the Honourable Member will be doing well by the public and this Honourable House.

The Honourable Dr. B. R. Ambedkar: With regard to the observations which have fallen from my Honourable friend. Sir Cawasjee Jahangir, I am bound to say that he has really given a very big and a dark colour to what is likely to happen when an employer is called upon to reinstate his former driver. He seems to think that this matter, once it becomes a subject matter of dispute, would assume a form which lawyers call a long civil suit. But I am sure it will be shorter than a shortcoat. We have made provision that the Provincial Government will appoint an authority and I have no doubt that that authority will be an authority which would be satisfactory to both sides.

Sir Cawasjee Jahangir: How are we to know that ?

The Honourable Dr. B. R. Ambedkar: We must trust the Provincial Government to do its best.

Sir Cawasjee Jahangir : Does not the Honourable Member know that

when such an authority is appointed, the rules and regulations are very elaborate and that it always causes considerable inconvenience, however simple the issue may be.

The Honourable Dr. B. R. Ambedkar : It cannot be so inconvenient as to make it difficult for people to settle the matter expeditiously and I therefore think that there is really no very great substance so as to compel me to withhold this measure. I think the points that may arise will be points of very small dimensions which could be settled without much difficulty or worry to either side.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

" That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar : Sir, I move that the Bill be passed.

Mr. President (The Honourable Sir Abdur Rahim): The question is: " That the Bill be passed."

The Motion was adopted.

17

The Mines Maternity Benefit (Amendment) Bill

The Honourable Dr. B. R. Ambedkar (Labour Member) : Sir, I move:

"That the Bill to amend the Mines Maternity Benefit Act, 1941, be taken into consideration."

It might be desirable if I explain to the House why this amendment has become necessary. Under the Mines Maternity Benefit Act, a woman working in the mine is entitled to maternity benefit for a period of 8 weeks, at the rate of 8 annas per day. This period of 8 weeks is divided into two parts of four weeks each, one part preceding delivery and another part succeeding delivery. The four weeks before delivery is a period of optional rest during which a woman may work and get full wages or absent herself and get the maternity benefit. With regard to the four weeks succeeding delivery, it is a period of compulsory rest during which the woman must not work. In fact it is unlawful and criminal for her to work, and be content only with the maternity benefit. Section 5 of the Maternity Benefit Act provides for the payment of maternity benefit and if Honourable members will refer to the words as they stand in line 9 of that section, they will find that the words as they stand are ' absent from work '. Now, it has been suggested that these words, particularly ' absent from work ' or rather ' from work ' are words which are ambiguous and I will briefly explain to the House why it is suggested that these words ' from work ' introduce a certain amount of ambiguity.

It is said, suppose the mine was closed by the owner on a particular day,

would the woman be entitled to maternity benefit ? It is suggested that she would not be, because the implications of the words ' absent from work ' mean that there is work, but when a mine is closed there is no work. Therefore, the existence of the words ' from work ' has introduced this ambiguity. I have compared section 5 with the five different Maternity Benefit Acts which have been passed in the different provinces and I find that these words ' from work ' do not exist. Consequently, it has become necessary to remove this ambiguity by removing these words. The amendment is sought to be carried out by two different amendments. One is to delete the words which have caused this ambiguity from section 5 and make the section read to the effect that ' for every day during the four weeks preceding delivery the woman would be entitled to maternity benefit. With regard to the days on which she choose to to amend—and as I told the House, the four weeks preceding delivery are periods of optional rest when she may choose to go and cam her full wages or stay at home and be content with maternity benefit—we have added a proviso that she shall not be entitled to any maternity benefit at all. With these words, I move.

Mr. President (The Honourable Sir Abdur Rahim): The question is.

" That the Bill to amend the Mines Maternity Benefit Act, 1941, be taken into consideration. " The motion was adopted. Clause 2 was added to the Bill. Clause 1 was added to the Bill. The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar : Sir, I move that the Bill be passed.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: " That the Bill be passed."

18

The War Injuries (Compensation Insurance) Bill

The Honourable Dr. B. R. Ambedkar (Labour Member) : Sir, I move:

" That the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability, as reported by the Select Committee, be taken into consideration."

The principles which underlie this Bill have already been explained by me at the last time when the Bill was before the House and it is unnecessary for me therefore to traverse the same ground over again. I would briefly like to point out to the House the changes of principle which the Select Committee have made in the original Bill. The House must have noticed that although there are very many changes which the Select Committee has made, there are really four which are matters of principle. In the First place there has been an enlargement of the category of workmen to which this Bill is made applicable ; we have now included workmen employed in plantations. The second change made relates to the rate of the first contribution which is to be made to the insurance fund. The Bill as it originally stood permitted Government to levy a

rate of annas eight per Rs. 100 of the wage bill of an employer; the Select Committee has reduced the rate from eight annas to four annas. The third change made relates to the use of the unspent balances in the insurance fund. The original proposal in the Bill was that the balance left in the fund should be merged in the general revenue and should be used for the general purposes of Governmental expenditure. The Select Committee has made a change and provided that the balance should be returned to the employer who have made the contribution in proportion to the contributions made by them. The fourth change relates to contract labour. It is now provided that in cases where the employer engages a contractor who in his turn engages workmen to carry out the work he has taken on contract, the employer who employs the contractor will nonetheless remain responsible for the payment of the compensation.

These are the principles which have been touched by the Select Committee in the changes which have been made. As the house will see, there are several amendments on the agenda to the Bill. Some of the amendments are matters of procedure and they have been put forth by Government largely for the purpose of meeting such criticism as was levelled against the Bill after it emerged from the Select Committee, and I hope there will not be much contention on these amendments.

Sir, I do not think it is necessary for me to say anything further on this Bill. I move.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved.

" That the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability, as reported by the Select Committee, be taken into consideration."

* * *

The Honourable Dr. B. R. Ambedkar: Sir, I do not think anything has emerged from the speeches which have been delivered by Honourable Members who have taken part in this debate which calls, for any detailed reply. As I scrutinise the points made, I find that there were certain points which could have been relevant only at the time when the Bill was read for the first time. I remember that they were raised and I also remember that I attempted to give what reply I could at that stage. I do not wish, therefore, to spend any more time in discussing the thing over again.

With regard to the point that has been made with regard to certain specific clauses in the Bill as well as the amendments that are on the agenda paper, I think it would be best in the interests of economy of time that I should not devote any part of my speech to them at this stage. It would be germane, proper and relevant if the matter was taken up at the time when the amendments were moved.

* * *

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved:

" That for clause 6 of the Bill the following be substituted :—

' 6 This Act shall apply to all those workmen to whom the Workmen's Compensation Act, 1923, applies ' "

The Honourable Dr. B. R. Ambedkar : Sir, I am afraid I have to oppose this amendment. I think my Honourable friend Mr. Joshi will realise that my opposition is not based upon any want of sympathy for workmen.

Mr. N. M. Joshi : I did not say that.

The Honourable Dr. B. R. Ambedkar: I think my Honourable friend Mr. Joshi will realise that if his amendment is adopted, practically there would be a serious limitation imposed upon the number of workmen who would be entitled to the benefit of this Bill. First of all. Sir, as Mr. Joshi said, we must go rather cautiously in this matter because his Act presupposes that there is a body of organised employers on which this liability can be imposed. It is a question of collecting premia, and you cannot collect premia from people who are merely walking in the streets. You must have some organisation on which you can fasten this liability and one has therefore to go very cautiously in including the number of workmen that could be included in this Bill. The second difficulty that I feel is this, that really speaking the acceptance of the amendment of Mr. Joshi would not enlarge the category of workmen which are included at present in this Bill. Sir, I have very carefully examined the Workmen's Compensation Act and I find that there are altogether nine different categories of workmen to which that Act applies. Comparing the categories of workmen to which we propose to apply this Act with the categories of workmen to which the Workmen's Compensation Act applies, I find that there is only one difference. The Workmen's Compensation Act applies to buildings and public works. That is the only category of workmen to which the present Bill does not apply. On others, both the Bills—the Workmen's Compensation Act as well as this Bill—are on a parity. Then the other difference is this. If we apply the Workmen's Compensation Act, as it stands, obviously that will bring in with it the definition of workmen which is given in the Workmen's Compensation Act. My Honourable friend Mr. Joshi will remember that the definition of workmen in the Workmen's Compensation Act is a very circumscribed and limited definition. It excludes from the category of workmen, workmen who are casual employees, and one does not know what would be the number of casual employees that may be employed in any particular industry to which this Bill applies. My Honourable friend Mr. Joshi will also recollect that the Workmen's Compensation Act excludes the category of people who are employed in clerical capacity. Our Bill does not exclude either the casual employee or the people employed in clerical capacity. I think Mr. Joshi will agree that although on an examination he will find that some minor category of workmen has been omitted, the definition of

workmen is much larger than what it is under the Workmen's Compensation Act. I hope that my Honourable friend will, on this assurance, withdraw his amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

" That for clause 6 of the Bill the following be substituted :—

' 6. This Act shall apply to all those workmen to whom the Workmen's Compensation Act, 1923, applies ' "

The motion was negatived.

The Honourable Dr. B. R. Ambedkar : My next amendment No. 5 is dependent upon clause 3 which the House now agreed that it should stand over.

Mr. President (The Honourable Sir Abdur Rahim) : Is this in substitution of the other amendment ? Do I understand that if this amendment is carried, then in that case, amendment No. 3 to clause 3 will be unnecessary ?

The Honourable Dr. B. R. Ambedkar : No, Sir. It is necessary. Both are necessary.

Mr. President (The Honourable Sir Abdur Rahim) : In that case, I do not see why you cannot move this amendment now.

The Honourable Dr. B. R. Ambedkar: I will move this amendment No. 5 now. Sir I move : " That sub-clause (2) of clause 6 of the Bill be omitted."

Not much explanation is necessary in support of this amendment. As the House will recall, the clause as it stands makes the Bill exclude Government employees and railway servants from the application of this Bill. When I moved the first reading of the Bill I told the House that although this Bill did not apply to this category of workmen. Government had made ample provision to pay compensation to their own servants. Unfortunately my speech evidently did not carry conviction to some Members of the House, and they still persisted that instead of taking responsibility in an administrative manner, responsibility should be imposed by statute. Sir, I have thought it fit to accept the suggestion made and therefore I shall be at a later stage moving the amendment which stands in my name to clause 3. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved: " That sub-clause (2) of clause 6 of the Bill be omitted."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

" That clause 6, as amended, stand part of the Bill." The motion was adopted.

Clause 6, as amended, was added to the Bill.

The Honourable Dr. B. R. Ambedkar: Sir, I move :

" That to part (g) of sub-clause (5) of clause 7 of the Bill the following further proviso be added:

' Provided further that the rate of any periodic payment after the first shall not be higher than the rate estimated to raise the amount in the Fund after repayment of the advances, if any, paid into the Fund by the Central

Government under sub-section (2) of section 11, to a sum of rupees fifteen lakhs ' ."

This Proviso is again intended to meet the fears of some of the Members representing the class of employers. It was feared by them that we might use the provisions of this clause as it stood originally to raise any amount of fund and to build it up when it was practically not necessary for the purpose for which that was intended. I had originally given an assurance on the floor of the House that it was not the intention of Government to use powers which they have got under this Bill to raise unnecessary fund to build it up and thereby inflict a sort of injury upon the employers. There again. Sir, my statement did not satisfy them, and I have thought it best to give them the satisfaction by introducing this clause. As will be seen, a limit has been placed of rupees Fifteen lakhs upon the balance on the fund, and I think this amendment will be accepted by them in the spirit in which it is intended, namely, to appease those who feel jealous about the Government's power of taxation. Sir, I move.

* * *

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved:

" That in sub-clause (2) of clause 9 of the Bill after the word ' fails ' occurring in the second line the words ' after due notice ' be inserted."

The Honourable Dr. B. R. Ambedkar : I appreciate the force of the necessity of giving some notice, but I would like to inform the Honourable Member that there is a provision for notice, although that provision does not appear in the Bill itself. He will realise that the important words in the body of clause 9 are ' in accordance with the scheme '. If my Honourable friend were to turn to clause 9—I am sorry that is the reason why he has moved this amendment—and see the terms of the scheme itself, I assure him that he will find there is a clause—which at present is clause I (viii) (a) of the draft scheme—which provides for 15 days notice. I think my Honourable friend on this information will withdraw his amendment.

* * *

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved:

" That in sub-clause (2) of clause 9 of the Bill after the word ' punishable ' occurring in the fourth line the words ' after thirty days of grace from the due date of payment ' be inserted."

The Honourable Dr. B. R. Ambedkar : Sir, I rise to oppose the amendment. I do not see any necessity for conceding the point which my Honourable friend is trying to make. As I pointed out to the House, we have already made a provision for notice, which is a period of 15 days, and I do not understand why my learned friend should contend for an additional privilege which will extend a further period for a recalcitrant employer. If we had not provided for notice in our scheme, I could have well understood the justice of a claim for a period of grace. But if my learned friend will allow me to say so I

really see no distinction or it is rather a distinction, without difference, between period of notice and period of grace.

Mr. Hooseinbhoj A. Lalljee: Sir, I think the request which my Honourable friend, Mr. Abdur Rasheed Choudhury, made was a very fair one. After all is said and done, in business life one has got to make arrangements and when we are bringing in so many people, I do feel that it will not matter very much if 15 days notice and 15 days grace period is allowed. I like the word ' grace ' rather than the word ' notice ' in all 30 days for the simple reason that grace 15 days is a thing which is absolutely a thing which the Government can give in their grace. Therefore I think in all fairness he will not be led by friends who believe that we in India are more dishonest than others in the world at large.

The Honourable Dr. B. R. Ambedkar: I am prepared to allow them fifteen days grace in the scheme. Sir.

* * *

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That to sub-clause (1) of clause II of the *Bill* the following proviso be added : ' Provided that no payment from the Fund shall be made in discharge of any liability of the Crown to pay compensation to workmen employed by it ' . "

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: Sir, I move:

" That for sub-clause (3) of clause 11 of the Bill, the following be substituted :

' (3) If when all payments which have to be made out of the Fund have been defrayed, any balance remains in the Fund, the balance shall be constituted into a Fund to be utilised and administered by the Central Government for the benefit of workmen '." As I pointed out, the original position when the Bill was introduced was that the balance was to be utilised for general purposes of Government and was to merge in the general revenues of the Government. The Select Committee altered that clause and provided that the balance, if any, should go to the employers who have contributed to this fund, in proportion to their contribution. The amendment which I am moving is an amendment which is, if I may say so, a midway house between the two positions. It suggests that the fund shall not be utilised by the Government for its general purposes, nor shall it be returned to the employer, but it shall be treated as a sort of trust fund to be utilised and administered by the Central Government for the benefit of workmen. I thought that this was a very reasonable compromise and that the whole House would accept it without demur. But I find that there are still some in the House who are not satisfied with the position outlined in this amendment. The grounds on which I justify the amendment standing in my name are, in the first instance, these. I think it will not be denied that whatever contributions the employers may make to the insurance fund, it will be treated by the Finance Department as revenue which

will be revenue for which credit will be given by the Finance Department. It is really revenue which would in the ordinary circumstances go to the Government of India in the form of income-tax and excess profits tax. Therefore I have no hesitation in submitting that a very large bulk of this fund is really intended that they would get and utilise what is theirs, I do not think there was anything very serious to challenge that position. But as I stated, I have receded from that position, and I am prepared to allow this fund to be treated, not as general revenues, but as a credit fund to be utilised for the benefit of workmen. The argument which I have heard in the lobby and which seems to have prevailed upon some Honourable Members who are not satisfied with the position-taken here, appears to me to be this. They seem to think that this is the thin end of the wedge, that the Government is really establishing a precedent for making a levy on the industry for the benefit of labour. I do want to disabuse the minds of Members who entertain that sort of fear. I have assured them before this, that Government has no intention of milking unfair use of this clause by taxing an industry with the object of raising a fund for purposes for which it is not mainly required ; and I would also like to assure Honourable Members who entertain that kind of fear that it is unnecessary for Government to seek or to make any clandestine attempt to establish a precedent. Government has ample power and there are precedents which have been laid down already by laws, both here and in England, whereby it is possible for the State to impose a special cess for the benefit of labour. We have got in this country the coal cess and the coke cess, which is a levy on industry and which is utilised for the purposes of the industry or those who are being served by that industry. In England we have a case in the Coal Mines Act whereby a specific levy is made on the industry ; the fund collected by the levy is kept aside for the purposes of labour welfare. Therefore I do want to assure Honourable Members that there is no intention to attempt in a clandestine manner to establish a precedent. Our intention is to support labour and I do not understand why many employers who have always exhibited such kind interest in supporting schemes for the welfare of workmen serving them should in any way hesitate to accept the amendment which I am moving. Sir, I move.

* * *

The Honourable Dr. B. R. Ambedkar : Sir, the point made by my Honourable friend, Mr. Chapman-Mortimer seems to be this. He says that we are changing our purpose. Originally the fund was intended to be used for the purpose of paying compensation. We now propose to use the balance of it for welfare. No doubt this is a change of purpose but I still maintain that there is nothing improper in that. If I understood him correctly, the position of Mr. Mortimer seems to be this. He seems to be following what I must concede is a well established principle in the budgetary arrangement, namely, that when money has been sanctioned by the legislature for a particular purpose it ought

not to be spent for another service not included within that purpose. I entirely agree but that is a matter which relates to executive action. I do not propose to use the fund by executive action but it is because I do not wish to be guilty of any impropriety that I have come to the house for asking it to be guilty of any impropriety that I have come to the House for asking its sanction for allowing the balance to be used for some other purpose which the House entirely agrees to be a beneficial purpose. I, therefore, submit that there is no impropriety in changing the purpose inasmuch as we are asking for the legislative sanction of this House for the change of purpose.

Then, the point has been raised that the word 'welfare' is an omnibus word, I agree that it is an omnibus word and I do not know if I am in a position to specify items which will be included in the term "welfare" on which there can be expected to be unanimity in this House. I shall, therefore, not venture to particularise what would come under the term "welfare". But I would say this to those Honourable Members who do not know what is meant by "welfare" as well as to those Honourable Members who think that Government ought not to be entrusted with a responsibility for administering this Fund that they will realise that the matter, with all this, is still left in the hands of the House. The House will have many more opportunities on various occasions to raise this question as to how this money is to be utilised and I am sure many Honourable Members who know what is "welfare" or who have ideas on it will use that opportunity to inform Government as to how that money would be utilised. Sir, I think the house will be well advised in accepting my amendment.

* * *

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That to sub-clause (1) of clause 3 of the Bill, the following proviso be added: 'Provided that where an employer has taken out a policy of insurance as required by subsection (7) of section 9 and has made all payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme, or whereby the provisions of the sub-section (2) of section 12 the employer is not required to insure, the Central Government shall assume and discharge on behalf of the employer the employer's liability to pay compensation under this sub-section'."

The motion was adopted.

The Honourable Dr. B. R. Ambedkar : Sir I move :

"That to clause 3 of the Bill the following new sub-clause be added: '(3) This section shall be binding on the Crown'."

I have already explained that we are now seeking to make the Crown statutorily liable for the provisions of this Bill. With these remarks, I move.

* * *

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved:

"That in sub-clause (1) of clause 13 of the Bill, part (b) be omitted."

The Honourable Dr. B. R. Ambedkar: Sir, I may not have sufficient amount of culture, but I claim average amount of intelligence. Sir, applying such amount of intelligence as I possess to this clause, I think my Honourable friend has entirely misunderstood the purpose of it and the necessity for it. The purpose of the clause is really not to levy distress or to take a warrant, but the purpose of the clause is to obtain information and search for information. Now, Sir, my Honourable friend has not understood why accurate information in this case is absolutely important. I would like to tell him that information is important not only from the point of view of the Government, but information is important from the point of view of employers themselves. Sir, it is perfectly possible for a fraudulent employer, for instance, to submit faulty information, wrong information, information understating his wages bill, information understating the number of employees who are working under him. The premia shall have to be based upon information that has been submitted. It would be perfectly possible for good employers being penalised and they have to pay more for the fault of fraudulent employers who by passing false information might try to escape liability of the law imposed upon them. Therefore, this clause is absolutely necessary, necessary in the interests of the employers themselves. I cannot understand how there can be any objection merely because the law provides that when there has been a case where it is suspected or where Government have information that accurate information has not been supplied that Government should have the power to get accurate information which, as I submit, is the very rock on which this system is founded. Sir, I oppose the amendment.

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19

First Session of Plenary Labour Conference

Dr. Ambedkar on Social Security

Following is the full text of the speech delivered by the Hon'ble Dr. B. R. Ambedkar, Member for Labour, at the first session of the Plenary Labour Conference in New Delhi, Monday, September 6 :—

I welcome you to the first session of the Plenary Labour Conference. Thirteen months ago, on August 7 last year, the representatives of the Provincial Governments, Indian States, Employers and Employees were invited by the Government of India to meet in Delhi in a Tripartite Labour Conference.

The motive for calling such a Conference was twofold. For a long time the conviction had gained ground that the industrial problems and problems of Labour Welfare could not be solved unless the three parties—Government, Employers and Employees—developed a sense of responsibility towards one another, showed more respect for the views of one another and agreed to work in a spirit of give and take and that there was not much chance of such a

sense of mutual respect and responsibility growing up so long as one was engaged in talking *at* the other. A plan to bring them together and to let them talk *to* each other across the table was felt to be necessary for the realisation of this purpose.

Although the idea of such Tripartite Organisation was there, it is doubtful if it would have taken concrete shape so quickly if the war had not made the maintenance of Labour Morale an urgent and immediate necessity. The war has hastened the implementation of the Tripartite Organisation in another way.

Bold Policy

Under the stress of the war, the Government of India was called upon in increasing degree to deal with industrial problems and problems of Labour Welfare and I am glad to be able to say that it did not hesitate to take a very bold line of action.

It undertook the task of converting unskilled men by giving them technical training and establishing numerous training schools.

It introduced two new principles in the prevailing Labour Code which are of far-reaching importance and which mark a significant departure from tradition.

It took upon itself as its duty and responsibility the right to prescribe fair wages and fair conditions of service.

It also took upon itself as its duty and responsibility to compel employers and employees to submit their disputes to arbitration. This is not all. The Government of India undertook the responsibility for ensuring the welfare of Labour, not merely by directing what should be done for the well-being of the workers but also by appointing an agency of its own to see if the directions issued by it are carried out or not.

This bold policy was taken on its own initiative and judgement. It was, however, felt that it would be better for the Labour policy of the Government of India if a machinery was created to enable it to obtain advice from Provincial and State Governments, from Employers and Employees to enable it to act confidently in the discharge of the new duties which had fallen upon it.

Two Bodies Constituted

It was for this double purpose that the Tripartite Labour Conference was called. It was put to the Conference whether the time had not arrived for establishing a permanent and a representative body to discuss industrial problems of Labour Welfare both in their legislative and administrative aspects and also to advise the Government of India as to the most satisfactory line of action in dealing with those problems. The representatives who were then present unanimously accepted the proposal and resolved to constitute two bodies, one bigger to be called the Plenary Labour Conference and the other smaller to be called the Standing Labour Committee.

The Tripartite Labour Conference has its genesis in the exigencies of war.

But I am happy to say that it is to last beyond the war. It is going to be an institution which will have a permanent place in the economic structure of the country.

Nobody, I am sure, will have any doubt as to the wisdom of the decision taken in favour of having such a representative forum for the discussion of industrial and labour problems. A survey of the work done during the last 13 months will be sufficient to remove it.

Since August 7, 1942, when these two bodies came into being there have been three meetings of the Standing Labour Committee. The Agenda of the first meeting of the Standing Labour Committee comprised subjects such as Wartime Labour Legislation, Problems of production such as settlement of disputes, absenteeism, Hours of work, Industrial Fatigue, Health Research Boards, Earnings of Labour, Dearness Allowances, Profit Bonuses, Savings, Questions of Welfare, Cost-price grain shops, Joint Committee for A.R.P. and Welfare work ; and Rounding-off Wage Payments in view of the shortage of small coins.

The Agenda for the second meeting covered subjects like : Supply of Essential food articles to Labour, Joint Adjudication under Defence of India Rule 81-A, and Deferred Bonuses.

The third meeting was devoted to the consideration of a fair wage clause in Government Contracts, Joint Production Committees, Appointment of Labour Officers in Industrial undertakings, Working of the Defence of India Rule 81-A, Establishment of Employment Exchanges, and Collection of Statistics under the Industrial Statistics Act.

This will give an idea of the very wide range of the subjects which have been discussed by the Standing Labour Committee. It has not been possible to come to unanimous decisions on matters which have been discussed.

Extremely Useful

But the discussions have been extremely useful and the Government of India having been greatly benefitted by them. Owing to want of unanimity the Government of India could not take positive action on most of the matters that were discussed. But where there has been unanimity the Government of India has not been slow to accept those decisions and give effect to them. In support of this I would refer here to certain items such as the War Injuries (Compensation Insurance) Act and the National Service (Technical Personnel Amendment) Ordinance. Other instances would be the Industrial Statistics Act and the Employment Exchanges Scheme. Action in consonance with the decisions of the Conference under both these will be taken very soon.

Fundamental Change In Outlook

There may be many to whom this progress may appear to be very meagre. To them I would say that theirs is the wrong perspective. There are no short cuts to progress and one cannot be sure that short cuts will be right cuts. Progress by peaceful means is always a slow process and to impatient

idealists like myself it is sometimes painfully slow. In an old country like India, with no tradition of collective action and no trace of social conscience progress is bound to be slower. No one need be disheartened by this. For to my mind what matters is not so much the rate of progress as the nature of the outlook.

Looking at the Tripartite Conference from this point of view I have no hesitation in saying that the great achievement of the Tripartite Conference is the fundamental change it has brought about in the outlook of Government and of Employers and of Employees on labour problems. No one who has participated in these Conferences could have failed to sense it. Assured of a healthy and wholesome change in the outlook we can confidently hope for acceleration in the rate of our progress.

ITEMS ON AGENDA

The Agenda of this Plenary Labour Conference include eight items. They are:—

(i) Involuntary unemployment, due to shortage of coal, raw materials etc.

(ii) Social Security; Minimum wages.

(iii) Principles of fixing dearness allowance.

(iv) Provisions for standing orders on the lines of the provisions in Chapter V of the Bombay Industrial Disputes Act, in large industrial concerns.

(v) Adoption of the Rules of Procedure for the Plenary Conference.

(vi) Setting up of Tripartite Organisations in Provinces.

(vii) Representation of Labour in the Legislatures and other Bodies.

(viii) Model Rules for Provident Funds.

Of these items, there are two the importance of which I am sure will not escape you. I refer to Social Security and the Representation of Labour. They are inseparable. What is significant is that they are inescapable. They are matters of serious consideration all over the world and the Beveridge Report is only one instance of the general interest which the problem has aroused all over the world. We in India cannot shut our eyes to them. It is not for me to tell you how you should deal with them or what would be the correct attitude to take in regard to them. But you will permit me to make two observations which are germane to the issues which they cover. The first is this.

Two Contradictions

Those who are living under the capitalistic form of industrial organisation and under the form of political organisation called Parliamentary Democracy must recognise the contradictions of their systems. The first contradiction is between fabulous wealth and abject poverty not in its simple form but in its aggravated form in which we see it, wealth to those who do not work and poverty for those who do.

The second contradiction lies between the political and the economic systems. In politics, equality ; in economics, inequality. One man one vote,

one vote one value is our political maxim. Our maxim in economics is a negation of our political maxim. There might be differences of opinion in the matter of resolving these contrasts. But there can be no difference of opinion on the point that these contradictions do exist.

It is true these contradictions, though glaring, passed unnoticed by the mass of the people. But today the situation has changed and the contrasts which even the *keenest* was not aware of are now brought home even to the *dullest*;

The second observation I wish to make is this Ever since the basis of social life was changed from status to contract insecurity of life has become a social problem and its solution has occupied the thoughts of all those who believe in the betterment of human life. There has been an enormous energy spent in enunciating the rights of man and the different sorts of freedom which must be regarded as his inalienable birthright. All this, of course, is very good, very cheering. What I wish to say is that there will be very little security unless and until, to use the words of the Report of the Economic Group of the Pacific Relations Conference, these rights are translated into terms which the common man can understand, namely, peace, a house, adequate clothing, education, good health, and, above all, the right to walk with dignity on the world's great boulevards without the fear of a fall.

For Dignified Existence

We, in India, cannot fail to recognise these problems or bypass them. We must be prepared for the revaluation of values. It will not be enough to make industrial development of India as our goal. We shall have to agree that any such industrial development shall be maintained at a socially desirable level. It will not be enough to bend our energies for the production of more wealth in India. We shall have to agree not merely to recognise the basic right of all Indians to share in that wealth as a means for a decent and dignified existence but to devise ways and means to insure him against insecurity.

Before I conclude there is one matter to which I would like to make reference. Discussions at our meetings have sometimes tended to be rather discursive and unbusinesslike.

I have no intention to be over-critical in this matter, but I would ask delegates to be as brief as possible and to keep to the point at issue. I do not wish to restrict the opportunities of any delegate to participate in the discussion and to make his contribution but I would ask you to remember that what we want to get at is the view of the delegate. He is welcome to explain his views. But the statement of his views need not always be accompanied by an elaborate chain of reasoning, at any rate where the reasoning is of the obvious kind. I am sure every one of you is as anxious as I am to make our proceedings thoroughly businesslike and thereby avoid laying ourselves open to the charge which Carlyle levelled against the House of Commons.

[Speech delivered at the concluding session of the All India Trade Union Workers' Study Camp held in Delhi from 8th to 17th September 1943 under the auspices of the Indian Federation of Labour.]

I appreciate very much the kind invitation of your Secretary to come and address you this evening. I was hesitating to accept this invitation and for two reasons. In the first place I can say very little which can bind the Government. Secondly I can say very little about Trade Unionism in which you are primarily interested. I accepted the invitation because your Secretary would not take a 'No' from me. I also felt that this was probably the best opportunity I can have to speak out my thoughts on Labour organisation in India which have been uppermost in my mind and which I thought may even interest those who are primarily interested in Trade Unionism.

The Government of human society has undergone some very significant changes. There was a time when the government of human society had taken the form of autocracy by Despotic Sovereigns. This was replaced after a long and bloody struggle by a system of government known as Parliamentary Democracy. It was felt that this was the last word in the frame work of government. It was believed to bring about the millennium in which every human being will have the right to liberty, property and pursuit of happiness. And there were good grounds for such high hopes. In Parliamentary Democracy there is the Legislature to express the voice of the people; there is the Executive which is subordinate to the Legislature and bound to obey the Legislature. Over and above the Legislature and the Executive there is the Judiciary to control both and keep them both within prescribed bounds. Parliamentary Democracy has all the marks of a popular Government, a government of the people, by the people and for the people. It is therefore a matter of some surprise that there has been a revolt against Parliamentary Democracy although not even a century has elapsed since its universal acceptance and inauguration. There is revolt against it in Italy, In Germany, in Russia, and in Spain, and there are very few countries in which there has not been discontent against Parliamentary Democracy. Why should there be this discontent and dissatisfaction against Parliamentary Democracy ? It is a question worth considering. There is no country in which the urgency of considering this question is greater than it is in India. India is negotiating to have Parliamentary Democracy. There is a great need of some one with sufficient courage to tell Indians " Beware of Parliamentary Democracy, it is not the best product, as it appeared to be. "

Why has Parliamentary Democracy failed ? In the country of the dictators it has failed because it is a machine whose movements are very slow. It delays swift action. In a Parliamentary Democracy the Executive may be held up by the Legislature which may refuse to pass the laws which the Executive wants, and if it is not held up by the Legislature it may be held up by the Judiciary which may declare the laws as illegal. Parliamentary Democracy gives no free

hand to Dictatorship, and that is why it is a discredited institution in countries like Italy, Spain and Germany which are ruled by Dictators. If Dictators alone were against Parliamentary Democracy it would not have mattered at all. Their testimony against Parliamentary Democracy would be no testimony at all. Indeed Parliamentary Democracy would be welcomed for the reason that it can be an effective check upon Dictatorship. But unfortunately there is a great deal of discontent against Parliamentary Democracy even in countries where people are opposed to Dictatorship. That is the most regrettable fact about Parliamentary Democracy. This is all more regrettable because Parliamentary Democracy has not been at a standstill. It has progressed in three directions. It has progressed by expanding the notion of Equality of Political rights. There are very few countries having Parliamentary Democracy which have not adult suffrage. It has recognised the principle of Equality of Social and Economic opportunity.

And thirdly it has recognised that the state cannot be held at bay by corporations which are anti-social in their purpose. With all this, there is immense discontent against Parliamentary Democracy even in countries pledged to Democracy. The reasons for discontent in such countries must obviously be different from those assigned by the dictator countries. There is no time to go into details. But it can be said in general terms that the discontent against Parliamentary Democracy is due to the realisation that it has failed to assure to the masses the right to liberty, property or the pursuit of happiness. If this is true, it is important to know the causes which have brought about this failure. The causes for this failure may be found either in wrong ideology or wrong organisation, or in both. I think the causes are to be found in both. As an illustration of wrong ideology which has vitiated Parliamentary Democracy I can only deal with only two. I have no doubt that what has ruined Parliamentary Democracy is the idea of freedom of contract. The idea became sanctified and was upheld in the name of liberty. Parliamentary Democracy took no notice of economic inequalities and did not care to examine the result of freedom of contract on the parties to the contract, should they happen to be unequal. It did not mind if the freedom of contract gave the strong the opportunity to defraud the weak.. The result is that Parliamentary Democracy in standing out as protagonist of Liberty has continuously added to the economic wrongs of the poor, the downtrodden and the dis-inherited class. The second wrong ideology which has vitiated Parliamentary Democracy is the failure to realise that political democracy cannot succeed where there is no social and economic democracy. Some may question this proposition. To those who are disposed to question it, I will ask a counter question. Why Parliamentary Democracy collapsed so easily in Italy, Germany and Russia ? Why did it not collapse so easily in England and the U. S. A. ? To my mind there is only one answer—namely, there was a greater degree of economic and social democracy in the latter countries than

it existed in the former. Social and economic democracy are the tissues and the fiber of a Political Democracy. The tougher the tissue and the fiber, the greater the strength of the body. Democracy is another name for equality. Parliamentary Democracy developed a passion for liberty. It never made even a nodding acquaintance with equality. It failed to realise the significance of equality, and did not even endeavour to strike a balance between Liberty and Equality, with the result that liberty swallowed equality and has left a progeny of inequities.

I have referred to the wrong ideologies which in my judgement have been responsible for the failure of Parliamentary Democracy. But I am equally certain that more than bad ideology it has bad organisation which has been responsible for the failure of Democracy. All political societies get divided into two classes—the Rulers and the Ruled. This is an evil. If the evil stopped here it would not matter much. But the unfortunate part of it is that the division becomes stereotyped and stratified so much so that the Rulers are always drawn from the Ruling Class and the class of the Ruled never becomes the Ruling class. People do not govern themselves, they establish a government and leave it to govern them, forgetting that it is not their government. That being the situation, Parliamentary Democracy has never been a government of the people or by the people, and that is why it has never been a government for the people. Parliamentary Democracy, notwithstanding the paraphernalia of a popular government, is in reality a government of a hereditary subject class by a hereditary ruling class. -It is this vicious organisation of political life which has made Parliamentary Democracy such a dismal failure . It is because of this that Parliamentary Democracy has not fulfilled the hope it held out to the common man of ensuring to him liberty, property and pursuit of happiness.

The question is who is responsible for this ? There is no doubt that if Parliamentary Democracy has failed to benefit the poor, the labouring and the down trodden classes, it is these classes who are primarily responsible for it. In the first place, they have shown a most appalling indifference to the effect of the economic factor in the making of men's life. Someone very recently wrote a book called the ' End of the Economic Man '. We cannot really talk of the End of the Economic Man for the simple reason that the Economic Man was never born.

The common retort to Marx that man does not live by bread *alone* is unfortunately a fact. I agree with Carlyle that the aim of civilisation can not be merely to fatten men as we do pigs. But we are far off from that stage. The labouring class far from being fat like pigs are starving, and one wishes that they thought of bread first and everything else afterwards.

Marx propounded the doctrine of the Economic interpretation of History. A great controversy has raged over its validity. To my mind Marx propounded it not so much as doctrine as a direction to Labour that if Labour cares to make

its economic interests paramount, as the owning classes do, history will be a reflection of the economic facts of life more than it has been. If the doctrine of Economic interpretation of History is not wholly true it is because the labouring class as a whole has failed to give economic facts the imperative force they have in determining the terms of associated life. The Labouring classes have failed to acquaint itself with literature dealing with the government of mankind. Everyone from the Labouring Classes should be acquainted with Rousseau's Social contract, Marx's Communist Manifesto, Pope Leo XIII's Encyclical on the conditions of Labour and John Stuart Mill on Liberty , to mention only four of the basic programmatic documents on social and governmental organisation of modern times. But the labouring classes will not give them the attention they deserve. Instead labour has taken delight reading false and fabulous stories of ancient kings and queens and has become addicted to it.

There is another and a bigger crime which they have committed against themselves. They have developed no ambition to capture government, and are not even convinced of the necessity of controlling government as a necessary means of safeguarding their interests. Indeed, they are not even interested in government. Of all the tragedies which have beset mankind, this is the biggest and the most lamentable one. Whatever organisation there is, it has taken the form of Trade Unionism. I am not against Trade Unions. They serve a very useful purpose. But it would be a great mistake to suppose that Trade Unions are a panacea for all the ills of labour. Trade Unions, even if they are powerful, are not strong enough to compel capitalists to run capitalism better. Trade Unions would be much more effective if they had behind them a Labour Government to rely on. Control of Government must be the target for Labour to aim at. Unless Trade Unionism aims at controlling government, trade unions will do very little good to the workers and will be a source of perpetual squabbles among Trade Union Leaders. The third besetting sin of the labouring classes is the easy way which they are led away by an appeal to Nationalism. The working classes who are beggared in every way and who have very little to spare, often sacrifice their all to the so-called cause of Nationalism. They have never cared to enquire whether the nationalism for which they are to make their offerings will, when established, give them social and economic equality. More often than not, the free independent national state which emerges from successful nationalism and which reared on their sacrifices, turns to be the enemy of the working class under the hegemony of their masters. This is the worst kind of exploitation that Labour has allowed itself to be subjected to.

If the working classes have to live under a system of Parliamentary Democracy then it must devise the best possible means to turn it to their benefit. As far as I can see, two things are necessary if this object is to be achieved. First thing to do is to discard mere establishment of Trade Unions

as the final aim and object of Labour in India. It must declare that its aim is to put labour in charge of Government. For this it must organise a Labour Party as a political party. Such a party will no doubt cover Trade Unions in its organisation. But it must be free from the narrow and cramping vision of Trade Unionism, with its stress on the immediate gain at the cost of ultimate benefit and with the vested right of Trade Union officials to represent Labour. It must equally dissociate itself from communal or capitalistic political parties such as the Hindu Mahasabha or the Congress. There is no necessity for Labour to submerge itself in the Congress or the Hindu Mahasabha or be the camp followers of either, simply because these bodies claim to be fighting for the freedom of India. Labour by a separate political organisation of its ranks can serve both the purposes. It can fight the battle of India's freedom better by freeing itself from the clutches of the Congress and the Hindu Mahasabha. It can prevent itself from being defrauded in the name of nationalism. What is most important is that it will act as a powerful check on the irrationalism of Indian politics. Congress politics is claimed to be revolutionary. That is why it has secured a large number of followers. But it is also a fact that Congress politics has brought nothing but frustration. The reason is Congress politics is so irrational and it is irrational largely because Congress has no rival. A Labour Party in India would be most welcome corrective to this irrationalism which has dominated Indian politics for the last two decades. The second thing for Labour in India to realise is that without knowledge there is no power. When a Labour Party is formed in India and when such a party puts forth its claim to be installed on the Gadi before the electorate, the question, whether Labour is fit to govern, is sure to be asked. It would be no answer to say that Labour could not govern worse or display greater bankruptcy in home or foreign affairs than the other classes. Labour will have to prove positively that it can govern better. Let it not also be forgotten that the pattern of Labour Government is a very difficult one than that of the other classes. Labour government cannot be a government of *laissez faire*. It will be a government which must essentially be based on a system of control. A system of control needs a far greater degree of Knowledge and training than a *laissez faire* government does. Unfortunately, Labour in India has not realized the importance of study. All that Labour leaders in India have done, is to learn how best to abuse Industrialists. Abuse and more abuse has become the be all and end all of his role as a labour leader.

I am therefore very glad to find that the Indian Federation of Labour has recognised this defect and has come forward to open these study circles for the Labouring Classes. They are going to be the most effective means of making Labour fit to govern. I hope the Federation will not forget the other necessity namely to inaugurate a Labour Party. When this is done, the Federation will deserve the thanks of the Labouring Classes to have raised them to the status of a governing class.

The Indian Trade Unions (Amendment) Bill

The Honourable Dr. B. R. Ambedkar (Labour Member) : Sir, I move:

" That the Bill further to amend the Indian Trade Unions Act, 1926, be circulated for the purpose of eliciting opinion thereon. "

The motion is merely for circulation for the purpose of eliciting public opinion on this measure. That being so, it seems to me unnecessary to take the time of the House to deal in any detailed manner with the provisions which are embodied in this Bill. It is enough, I think, to tell the House what are the main features of the Bill and what has led Government to undertake this particular piece of legislation.

The Bill has three important features. In the first place, the Bill seeks to compel an employer to recognise a trade union. In the second place, the Bill imposes certain conditions on a trade union in order to make the trade union, if I may say so, worthy of recognition by an employer.

The third feature of the Bill is to make non-recognition by an employer of a trade union, which has observed all the conditions prescribed in this measure and which has therefore qualified itself for recognition, an offence which is made punishable by law.

As I said, it is unnecessary to discuss the merits of this measure. The motion is for circulation which obviously means that the provisions embodied in the Bill by the Government at the present stage are only tentative. There is no finality about it, and Government do not propose to make these provisions final unless they have received the opinions of leaders of labour, employers. Provincial Governments and other parties who are concerned in this measure. The Bill may therefore be quite different from what it is now, when Government has applied its mind to the various suggestions that it hopes to receive as a result of circulation.

Mr. N. M. Joshi (Nominated Non-official) : I hope it will be better.

The Honourable Dr. B. R. Ambedkar : I hope so from everybody's point of view. All that therefore I propose to say is to tell the House what has led the Government of India to take this responsibility upon its shoulders.

The House will recall that this matter was considered and great deal of attention was devoted to the question of the recognition of trade unions by employer, and all those Honourable Members who have read the Report of the Royal Commission on Labour will realise what great emphasis the Royal Commission laid on the recognition of trade unions as a measure for the healthy growth of trade unions and for amicable relations between employers and workers. The House will also remember that the Royal Commission at that stage stated that they would very much desire if the recognition was achieved voluntarily by the consent of the employers without any legal obligation upon them. The House will also remember that the Royal Commission reported in 1929,—practically 12 years have elapsed—and there

has been no willingness on the part of employers to recognise trade unions voluntarily. Indeed the objections which the employers made before the Royal Commission for opposing the recognition of trade unions are still the objections which the employers are pressing for nonrecognition. Consequently the situation has certainly not improved.

As Honourable Members will remember, this question was taken up after 1937 when provincial autonomy came into being, by most of the Provincial Governments which came and took office under the new Act. There were both private measures and measures introduced by the Ministries in order to bring about recognition of trade unions by employers. For instance, in Madras there was a private Bill brought in, there was also a Government measure brought in by the Ministry of the day. In Bombay, Government brought in a measure called the Bombay Trade Disputes Act. In C.P. an Act was contemplated and a draft was prepared and the same was done in the province of the U.P. Unfortunately, except in the case of Bombay, the Ministries in other provinces resigned before their projects could assume a statutory character. However, the Government of India, after provincial autonomy had come into existence, had inaugurated a system of collaboration between the centre and the provinces and one of the means adopted for collaboration was to inaugurate what were called Labour Ministers' Conferences. The First Labour Ministers' Conference was held in 1940 when this subject was discussed between the Provincial Governments and the Central Government. It was then decided that there was not enough material before the Conference to come to any definite conclusion on the matter and the Conference gave instructions to the Central Government that the matter should be referred to the Provincial Governments in order to elicit opinion from the Provincial Governments as well as leaders of labour and employers and that the material should be placed at the second session of the Labour Ministers' Conference which was proposed to be held in the year 1941. Accordingly the Government of India addressed a letter to the Provincial Governments asking them to collect the opinions of the different parties relating to this measure, and a very large body of opinion was collected by the different Provincial Governments and forwarded to the Central Government with the opinions of the different provinces on them. The whole of this was placed before the Labour Ministers' Conference held in 1941 and the conclusion reached then was that the Central Government should undertake legislation, that that legislation should not be purely provincial and that draft should be prepared on the basis of the replies that were received from the Provincial Governments and from the various parties which were concerned with this matter. As a result of this the Government of India undertook the task and the present Bill is really the result of the sifting of the information which the Central Government received and the opinions which were expressed by the various parties concerned. This is the origin of

the measure. This will explain why, although labour legislation is a provincial subject, the Central Government has come in with this measure.

I do not think that it is necessary for me to say anything further on this measure. As I have said, the proposals are tentative, there is no finality, and there cannot be any finality unless and until we receive opinions on the draft Bill as it stands. All that I say is that it is one of the most important measures which this Legislature has been invited to undertake. It is also a unique measure. Except in the case of the United States and Sweden, recognition of trade unions in other countries has been left to voluntary effort. I hope this will not be a controversial measure. In any case I do not wish to say more than what I have said in view of the fact that I prefer to submit the Bill to public scrutiny before I undertake to make myself responsible for any of the provisions contained in the Bill. Sir, I move :

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

" That the Bill further to amend the Indian Trade Unions Act, 1926, be circulated for the purpose of eliciting opinion thereon. "

* * *

Mr. P. J. Griffiths (Assam : European) : Mr. President, the motion at present before the House is that this Bill be circulated for eliciting opinion thereon Let me remind my Honourable Friend too that trade unions have many enemies.

The Honourable Dr. B. R. Ambedkar: employers are one of them.

* * *

The Honourable Dr. B. R. Ambedkar : Sir, the Bill, which I have the honour to move for circulation has given rise to controversy. This is, of course, not unexpected. As I said in my opening observations, the Bill is undoubtedly a controversial measure but I also stated in the course of my opening observations that I do not propose to enter into the controversy today and to reply to the various points that have been made. I do not do so in any spirit or discourtesy to Honourable Members who have taken part in this debate and presented their point of view. I assure them that I will bear their points in mind and consider their validity on the occasion when such occasion will arise.

If I rise at this stage, as I said, it is not to reply to the various points that have been made but I do feel that I am bound to meet certain points of criticism which were made by my Honourable friend, Mr. Griffiths. There is one point which he made which, if he will permit me to say so, I think was very unfair. He said that I have brought in a measure which was vague in *some way* and which contained, if I may use the phrase, empty clauses. His criticism was that I was not justified and that it was unfair on my part to ask the House to consider a Bill which contained such vague and empty clauses. I do not accept that criticism and I do say that it was entirely misconceived and unfounded. I do not admit in the first instance that there are any clauses in

this Bill which are vague or that there are any clauses in this Bill which are empty, so empty as not to enable anybody to understand what the Bill aims at. But assuming for a moment that there are certain clauses which are vague and other clauses which require content to be put in I do not think that the criticism was valid. If I asked the House to proceed to enact the measure in the form in which it was presented, I could have understood the point of the criticism but that is not what I am doing. I am asking merely the permission of the House that this Bill, such as it is, may be circulated for the purpose of eliciting further opinion, so that Government may have guidance from such parties as can give guidance and Government in the end may be able to fill in the gaps and make definite what is vague. I therefore submit that there was no point in that criticism which Mr. Griffiths made.

Mr. Griffiths then said that the Bill in his opinion was unsound in principle. Well, that is a matter of opinion. We have heard people on the other side saying that there is a perfectly sound principle in the Bill and that it ought to be embodied in an Act. Therefore I shall not dwell on that point of his criticism.

The second point that he made was that I have somehow not stated what a representative trade union was. Without meaning any offence, if I may say so, he has either not read the clauses of the Bill, or if he has read them he has not understood them. It is perfectly clear from the provisions that are set out in this Bill that there are two principal conditions laid down. One is this—that a trade union before it can be recognised must fulfil certain conditions. The second condition which has been laid down is this—that mere fulfilment of the conditions laid down is not a qualification enough for recognition but that the trade union, in addition to fulfilling these qualifications, will have to undergo the test of a certification by a Board. In fact, if I may say so, the principle of the Bill—the fundamental part of it—is that the representative character of the Union will depend primarily subject to other conditions on the certificate that a tripartite board, representing Labour, Government and the Employers, will be able to give. My friend then made great play of sub-clause (g) of clause 28D which says : any further conditions that may be prescribed. I cannot understand how Mr. Griffiths could have so completely misunderstood the purport of that clause. The position of the Government is.....

P. J. Griffiths : On a point of personal explanation. I did not refer to sub-clause (g) at all.

The Honourable Dr. B. R. Ambedkar: I am very sorry if I misunderstood the Honourable Member. That is what I took down. What I would like to say is this. The position of the Government is perfectly plain and may be stated briefly. On the basis of the views that were communicated to us in 1941 and on the basis of the views that were communicated to us from the various organisations representing labour and capital, Government came to the conclusion that the positive conditions which they have laid down ought to be

sufficient. But Government does not wish to dogmatise about it and Government does feel that there might be certain conditions which either the Provincial Government or the employers of labour or capital may find to be necessary to be introduced in this Bill before recognition is granted. It is to make provision for a contingency of that kind we have introduced these clauses wherever it is stated that further conditions may be prescribed. It is a loophole, it is an opportunity which we have left and designed to take to ourselves the benefit of any advice that we might receive. There is certainly no vagueness and no uncertainty with regard to the provisions of the Bill as to what a representative character means.

Mr. P. J. Griffiths : On a point of information. Would you explain to the House the meaning of the new clause 28D, sub-clause (e) " that it is a representative Trade Union " ?

The Honourable Dr. B. R. Ambedkar : It means a Union which has been certified by the Board as a representative Trade union.

Mr. P. J. Griffiths : Of their own free will ?

The Honourable Dr. B. R. Ambedkar : The Board will make an investigation and that was the point of comment of my friend, Mr. Joshi, who said that the Board is authorised to ask for all sorts of information including the views of the private members.

Mr. P. J. Griffiths : Is it the intention that the Board shall have some guidance as to what is meant by " representative " ?

The Honourable Dr. B. R. Ambedkar : We propose to. On that point we would like to have a suggestion from various parties as to what sort of instructions they would like us to give to the Board.

Mr. P. J. Griffiths: So, you have a blank mind on the subject.

The Honourable Dr. B. R. Ambedkar : It is not a blank mind; it is an open mind. That is the way I would like to define my position correctly.

Mr. Griffiths as well as other Members who spoke on the Bill said that the Government was not justified or rather, to use their own words, Government was illogical in applying clause 27J by exempting Government undertakings from the operation of this Bill.

Now, Sir, the first point that I would like to make in reply to the contention is that *Logic is certainly not* always life. There are many occasions when illogicality would reduce ourselves to extremism and I do not think any man would prefer extremism to illogically. Personally myself, I think, if anything could be said with regard to clause 28J, it could be said that Government is not timid. Government is not illogical; Government is wise and Government is cautious. I think that this clause has been somewhat misunderstood. There is no intention to exempt Government from the provisions of this Bill. All that is said is this that a date will be fixed when the provisions of this Bill will be applied to Government undertakings. Therefore, if there is any discrimination made in favour of the Government, it is not with regard to the application of

the Bill but with regard to the date on which it will become applicable to Government.

Mr. P. J. Griffiths : Why is that made ?

The Honourable Dr. B. R. Ambedkar : There may be necessity for it.

Mr. P. J. Griffiths : What is it ?

The Honourable Dr. B. R. Ambedkar : As I said, I do not want to enter into controversy at this stage and as the Secretary of the Posts and Telegraphs Department said. Government feels that, at any rate for the present, the Government Departments who are employers of labour have made sufficient provision for the recognition of their trade unions. And in view of the fact that Government has certainly been far more ready to recognise Trade Unions than private employers, I do not think that the interests of labour will suffer if the date for the application of this Bill is postponed. Sir, I have nothing more to say.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

" That the Bill further to amend the Indian Trade Unions Act, 1926, be circulated for the purpose of eliciting opinion thereon. ". The Motion was adopted.

22

Post-war Development of Electric Power in India

Dr. Ambedkar's Address

Problems relating to the post-war development of electric power in India were discussed by the *Reconstruction Policy Committee* which met in New Delhi on October 25, the Hon'ble Dr. B. R. Ambedkar, Member for Labour, Government of India, presiding. A number of delegates from the Provincial Governments, leading power States and engineering interests attended the meeting on the invitation of the Central Government.

The Honourable Dr. B. R. Ambedkar, addressing the Committee, said:

Gentlemen, I welcome you to this meeting of the Policy Committee of the Reconstruction Committee No. 3C. A Chairman has both the obligation and the privilege of making an opening speech. The obligation I accept. But I do not wish to abuse the privilege by inflicting upon you a long speech. All I propose to do is to put certain relevant facts into focus so that our attention may be riveted upon them.

For the information of those of you who do not know the machinery set up by the Government of India to study the various problems of reconstruction but whose participation is necessary I would like, if I may briefly, to refer to the plan of work which has been adopted for the better and most expeditious way of carrying out the work taken up by the Reconstruction Committee of Council.

Five Committees

It is, I am sure, within your knowledge that the ex-Viceroy, Lord Linlithgow in March last decided to have a Reconstruction Committee of Council under the

airmanship of my gallant friend and colleague the Hon'ble Sir J. P. Srivastava. The Reconstruction Committee of Council has set up five different Reconstruction Committees. Committee No. I deals with Re-Settlement and Re-Employment, Committee No. II with Disposals, Contracts and Government Purchases. The work of Committee No. III is partitioned among three Committees— Committee No. 3A deals with Transport, No. 3B with Posts, Telegraphs and Air Communications, and No. 3C with Public Works and Electric Power. Committee No. IV is concerned with Trade and Industry, and Committee No. V with Agriculture.

Each of these Committees has a Policy Committee which works under the presidentship of a Member of Council which is composed of the representatives of the Central Government, Provincial Governments, State Governments, and such representatives of trade, industry and commerce as are considered necessary. Each has also an official committee which works under the chairmanship of the Secretary to the Department and is composed of the Secretaries of other Departments concerned.

In addition to these two sets of Committees, some of the Reconstruction Committees have a third committee called Subject Committee to deal with technical subjects arising within its field. In addition to these there is an official committee on Social Services and a Consultative Committee of Economists. Such is the plan of work devised by the Central Government to deal with the problems of Reconstruction. Ours is a meeting of the Policy Committee of the Reconstruction Committee No. 3C. The task of this Committee is to study the problems connected with electric power and to make a recommendation as to the best way of solving them.

Before I enter upon an analysis of the problems, there is one question relating to generation of electric power to which I wish to make a reference at an early stage as I wish to get it out of the way. It relates to the question of procurement of machinery, tools and plants that would be necessary for the generation of electrical power. That machinery will have to be obtained from outside, mostly from Great Britain. The prospect of obtaining such machinery is not free from difficulty. Great Britain would require a great deal of her productive capacity to be reserved for her own needs.

There are other European and Asiatic countries which would be in the British and American markets to acquire the necessary stock of tools and plants. In this competition India may find it difficult to obtain the quota she will need. To safeguard India's position it would be desirable if India could register her orders for tools and plants as early as possible and secure as great a priority as can be done. The difficulties regarding priority may not be very great. I feel quite certain that we can depend upon His Majesty's Government to secure for India high priority in view of the aid she has rendered in this War. But there are other difficulties mainly arising from making up the indents and placing them with the manufacturers as firm orders.

In the first place, electricity is a purely provincial subject. The estimates as to tools and machinery must, therefore, come from the Provinces. The Centre can only sum them up.

In the second place, the type of machinery will depend upon the decision as to the prime mover that is to be used for the generation of electricity, whether water, steam, oil, etc.

The third difficulty arises out of the uncertainty of the attitude of the governments which will come into existence after the war. Will the future Government accept the plans and programmes set out by the present Government? Will the future Governments maintain the level of taxation which the plans and the programmes made by the present Government will require? On these questions one cannot be sure. All the same it seems that this Government would be failing in its duty if it did not make secure the prospect of India getting the tools and plants necessary for electrification at the end of the war.

Functions Of Policy Committee I mention this matter as being urgent and important. But I am sure you will understand that this is not the matter with which this Committee is primarily concerned. This is a Policy Committee and our primary concern is to deal with the problems arising out of the administration, production and distribution of electricity and to recommend what we regard as the principles which should guide the future Government of India. We have taken advantage today of our meeting of our Policy Committee to ask Provincial Governments and State Governments to send representatives to this meeting to give us the benefit of their views.

The treatment of electricity as a matter of public concern has passed through many vicissitudes. The Government of India seems to have become aware of it for the first time in 1905 when, I find, a circular letter was issued by it to the Provincial Governments. Thereafter both the Provincial Governments and the Central Government seem to have gone to bed. They woke up when the urgency of active interest in electricity was emphasised by the Report of the Indian Industrial Commission published in 1918 and the Report of the Indian Munitions Board which came out a year later.

The Industrial Commission recommended the necessity for a Hydrographic Survey of India to be undertaken by Government rather than by private enterprise. The Government of India accepted this recommendation and appointed the laic Mr. G. T. Barlow, C.I.E., then Chief Engineer, Irrigation Branch, the United Provinces, to take charge of the Hydrographic Survey as Chief Engineer, associating with him in the enquiry Mr. J. M. Meares, M.I.C.E., Electrical Adviser to the Government of India. Soon after Mr. Barlow died, and his work was carried on by Mr. Meares who produced three most excellent reports between 1919 and 1922 containing information Province by Province regarding the possibilities of Power Supply under five heads—(1) water power already developed, (2) plants under construction, (3) areas

investigated but not developed, (4) known sites of which detailed examination is desirable, and (5) areas and sites not investigated.

Electricity—A Provincial Subject

Unfortunately under the changes made in the Government of India in consequence of the Act of 1919, Electricity became a Provincial subject. That Act unfortunately did not contain a provision as the present Act does of permitting the Central Government to spend its revenues on matters which it felt fit and proper although they were outside its field of administration. The result was that it became impossible for the Government of India to finance the Hydrographic Survey. A good, great and necessary piece of work for providing India with supply of electrical power came to an end.

There is no officer at the Centre in charge of the development of electricity in India with the result that we at the Centre had till recently no data as to the production, distribution and administration of electricity in India.

I am, therefore, glad that the subject of electricity in India has come up again for serious consideration. So far as I am able to visualize, the questions which this Committee must concern itself with are :—

(1) Whether electricity should be privately owned or whether it should be State-owned ?

(2) If it is to be privately owned, are there any conditions which it is necessary to impose so as to safeguard the interests of the public ?

(3) Whether the development responsibility for electricity should belong to the Central Government or to the Provincial Government ?

(4) If the responsibility is to be of the Central Government, what is the most efficacious method of administering it so as to provide cheap and abundant supply of electricity and avoid waste of resources ?

(5) If the responsibility is to be of the Provinces, whether the administration by the Provinces should be subordinate to an Inter-Provincial Board with powers to advise and co-ordinate ?

Three Considerations

Every one of these questions has two sides. Each side has its protagonists. I do not wish to express my opinion at this stage. I have *an open* mind. But it is not *an empty* mind. All I wish to say is that in coming to our conclusions as to which is the better way of developing electricity we shall have to bear in mind three considerations :—

(1) Which of the two will give us power not at a cheaper but at the cheapest price,

(2) Which of the two will give us power which will not merely be sufficient but which will be abundant,

(3) Which of the two will enable India to be equipped with electricity by treating it on the same basis as a strategic Railway, that is to say, as an undertaking which must be started without consideration of immediate profit.

I emphasise these considerations because what India wants is an

assured supply of power, cheap power and abundant power.

These are primary questions. There may be some hesitation lurking in the minds of some of you to deal with them on the ground that most of them raise the question of changes in the Constitution. Speaking for myself I feel no such hesitation. There is a difference between deciding a constitutional issue and expressing an opinion on it. We shall not be deciding upon constitutional questions. We shall be only expressing our opinion as regards them. We are not debarred from considering them for the reason that they are of a constitutional nature. I feel quite certain that we cannot avoid them if we want to do justice to the subject which is placed in our charge.

Power Supply Department

Besides these primary questions there are others which are by no means secondary. If electrification is to be a success we cannot leave them out of our consideration. They are :—

(1) Whether it is necessary to establish a Power Supply Department at the Centre whose duty would be to make a systematic survey of the available sources of power, namely, coal, petrol, alcohol and running water, etc., and to suggest ways and means of increasing generating capacity.

(2) Whether it is necessary to establish a Power Research Bureau at the Centre to study problems connected with the relation between the sources of power and the machinery in order to promote the most efficient use of available power.

(3) Whether it is necessary to adopt some means to train Indians in electrical technology so that India will have a staff to plan and to carry out schemes of construction, maintenance and improvement in electrical plant and machinery.

Before I conclude may I make a few observations pointing out the significance of and the ultimate objective that lies behind the need for electrical development in India ? It is necessary that those who are placed in charge of the subject should have the fullest realisation of its significance and its objective. If you agree with me in this I will request you to ask yourselves the question, ' Why do we want cheap and abundant electricity in India ? ' The answer is that without cheap and abundant electricity no effort for the industrialisation of India can succeed. This answer brings out only a part of the significance of the work this Committee has to undertake.

Ask another question, ' Why is industrialisation necessary ? ' and you will have the full significance made clear to you at once ; for the answer to the question is, we want industrialisation in India as the surest means to rescue the people *from the eternal cycle of poverty in -which they are caught.* Industrialisation of India must, therefore, be grappled with immediately.

Industrialisation Of India

Industrialisation of India has been in the air for many years. But one fails to notice any serious drive to bring about industrialisation. There are still some

who pay only lip service to it. Others look upon it as a fad, if not a craze. There are very many who are never tired of preaching that India is an agricultural country and therefore the best thing to do is to devote all energy to improve agriculture and not to run after industrialisation. Nobody needs to be told that India is primarily an agricultural country. Everybody knows it. What is surprising is that very few people seem to realise what a great misfortune it is. I know this will not be readily admitted. What *more* evidence is wanted to prove that this is a misfortune *than* the famine which is stalking Bengal and oilier parts of India and where so many from the agricultural population are dying daily from want of food or from want of purchasing power ?

To my mind there can be no greater proof necessary to show that India's agriculture has failed and failed miserably when it is as plain as anything could be that India which is engaged in producing nothing but food does not even produce sufficient food to feed its people. What is this due to ? The poverty of India, to my mind, is due entirely to its being made dependent upon agriculture.

Population in India grows decade by decade in geometrical progression. As against this unlimited growth of population what is available for cultivation is not merely a limited amount of land but a limited amount of land whose fertility is diminishing year by year. India is caught between two sides of a pincer, the one side of which is a progressive increase in population and the other is a progressive increase in the deterioration of the soil.

" A Rot Has Set In "

The result is that at the end of a decade we are left with a negative balance between population and production and a constant squeezing of the standard of living. At every decade this negative balance between population and production is increasing in an alarming degree, leaving India with the inheritance of poverty, more poverty and chronic poverty. A rot has set in. This rot, I feel sure, is not going to be stopped by organizing agricultural exhibitions or animal shows or by propaganda in favour of better manuring. It can stop only when agriculture is made profitable. Nothing can open possibilities of making agriculture in India profitable except a serious drive in favour of industrialisation. For it is industrialisation alone which can drain away the excess or population which is exerting such enormous pressure on land into gainful occupations other than agriculture. To sum up, our Reconstruction Committees are no doubt modelled, so far as intention and purpose is concerned, on the Reconstruction Committees which have come into existence in most European countries whose industrial organisation has been destroyed by the Germans. The problems of reconstruction differ, and must differ from country to country. In some countries the problem of reconstruction is a problem of reconditioning of rundown plant and machinery.

Nature Of Problem In India

In some countries the problem of reconstruction is a problem of replacement of tools and plants which have been destroyed in the war. The problem of reconstruction in India must include consideration of all the questions with which other countries engaged in war are concerned.

At the same time we must not forget that the problem of reconstruction in India is essentially different from the problem of reconstruction in other countries. In other countries the problem of reconstruction is a problem of rehabilitation of Industry which has been in existence.

The problem of reconstruction in India, as I see it, is a problem mainly of the industrialisation of India as distinguished from the rehabilitation of industry and industrialisation but in the ultimate sense the removal of chronic poverty.

I, therefore, hope that we shall tackle the problems connected with electricity in an earnest and in a statesmanlike manner thinking it terms of human life and not in terms of the competing claims of the Centre *versus* the Provincial Government.

I do not like to end on a note of pessimism though the memory of the past efforts of reconstruction is nothing but sad. War seems to give birth to an urge for Reconstruction for the same reasons that necessity gives rise to invention or adversity to belief in God. The pity of it is that this urge which is born out of the war seems to die with peace. That did happen in India with the reconstruction scheme put forth by the Indian Industrial Commission and the Indian Board of Munitions after the last war. I have faith that this time the reconstruction plan will not be allowed to languish and fade away. We have in this war the compelling force of what William James called " the pungent sense of effective reality " of what poverty in India is, which the statesmen of the last War did not have.

* * *

Help for Scheduled Castes Students and Indian Evacuees Proposals

Approved by Standing Finance Committee

Grant of scholarships to scheduled castes students pursuing education in scientific and technological subjects and expenditure on Indian evacuees from war zones and dependants of persons detained there, were the two important proposals approved by the Standing Finance Committee at its meeting held in New Delhi on November 20, 1943, with the Hon'ble Sir Jeremy Raisman, Finance Member to the Government of India, in the chair.

The former proposal will involve an annual grant of Rs. 3 lakhs for 5 years and the latter is expected to entail an expenditure of Rs. 225 lakhs in 1944-45.

Scholarships

It was stated that in order to assist members of the scheduled castes, who had reached the high school stage, to obtain higher education, it was proposed to grant scholarships to the extent of 3 lakhs a year for five years. The scholarships would be awarded for scientific and technological studies

both in India and abroad.

The Committee approved the proposal.

23

Labour Member's visit to Jharia Coalfields

The Hon'ble Dr. B. R. Ambedkar, Labour Member, the Hon'ble Mr. H. C. Prior, Secretary, Labour Department, and Mr. R. S. Nimbkar, Labour Welfare Adviser to the Government of India, visited Dhanbad recently to study working conditions in the coalfields.

During their stay at Dhanbad, they discussed with employers and employees, proposals to increase the production of coal and to deal with the situation arising out of the labour shortage in the fields.

With the reintroduction of the employment of women underground, the question of giving concessions to colliery labour and to improve welfare conditions in the fields has assumed additional importance. It is learnt that the Central Government are taking immediate steps to secure food and other concessions for the workers. Difficulties arising out of insufficiency of food supplies in Bengal and insufficient concessions to workers, both in Bengal and Bihar, have been under the consideration of Labour Department for some time.

The question was discussed at the recent Coal Conference held in New Delhi, and it is understood that further consultations took place with the industry during the Labour Member's stay at Dhanbad.

24

Labour Member visits Coalmines

Inspects Working Conditions and Miners' Home

The Hon'ble Dr. B. R. Ambedkar, Member for Labour, Government of India, arrived at Dhanbad on Thursday, December 9 to study working conditions in the coalfields. Among those present to receive him were a number of local officials, including Mr. S. N. Mazurndar, Labour Commissioner, Bihar, and Mr. W. Kirby, Chief Inspector of Mines, and representatives of various Mining Associations and colliery owners. Mr. H. C. Prior, Secretary, Labour Department, and Mr. R. S. Nimbkar, Labour Welfare Adviser to the Government of India arrived earlier in the day.

Immediately after arrival the Labour Member, accompanied by the Chief Inspector of Mines, colliery owners, Mr. Prior and Mr. Nimbkar, drove to Bhulanbararee Colliery. The representatives of workers, Mr. Karnik, representing the Indian Federation of Labour, and Miss Shanta BhalP Rao, representing the All-India Trade Union Congress, also accompanied the party to study working conditions in the coalfields. The programme included inspection of both surface and underground conditions of work.

400 Feet Underground

Wearing " Safety hats " very much resembling well-known Army tin hats in shape, the Labour Member and party went 400 feet underground in two

batches where they saw workers cutting coal. There were some women workers who had been recently employed in the colliery as a result of the removal of prohibition on employment of women in mines. The Labour Member, Mr. Nimbkar and others in the party asked the workers a number of questions concerning their wages and earnings.

At another stage during the inspection of Bhulanbararee Colliery, the party saw stowing operations in progress. During the course of the surface inspection, Dr. Ambedkar had friendly chats with workers regarding their wages and earnings.

The Labour Member then proceeded to the workers' quarters in the vicinity of the colliery. *Ham ander a sakte hain*—with these polite words in Hindustani the Labour Member took permission of the occupant to enter his house, which was readily given. He inspected the furniture and other contents of the house and looked round to see the ventilation arrangements.

The party were then taken to a well-equipped and cleanly-kept hospital, maintained by owners of this colliery, where the Labour Member chatted with a few indoor patients. He was also taken round a special ward for women workers.

At Workers' Colony

The party then drove to the Digwadih Colliery where they saw modern plant and equipment used for the production of coal. Here the Labour Member spent about an hour in the workers' colony and saw various types of houses built by the proprietors for their workers. He took great interest in the methods and channels of recruitment for colliery labour.

The programme for the day included inspection of the Tisra Colliery. The inspection began with the examination of rates of wages paid by employers of the colliery to workers. It was late in the evening when the party came out to make surface inspection of the colliery. The workers were leisurely returning to their homes, carrying spades, pickaxes and kerosene safety lamps. The Labour Member thus had an opportunity of seeing workers and their womenfolk preparing their evening meals in their homes. He was very keen on acquainting himself with the quantity and nature of food available to and consumed by workers. At the Tisra Colliery he also saw a few quarries where men and women were doing surface work.

Visit To Raniganj Coalfields

Dr. B. R. Ambedkar and party devoted Friday to studying working conditions and methods of coal production in some Raniganj coalfields.

The inspection began with an examination of the arrangements being made by proprietors of the Sivapur Colliery for the welfare and medical care of their miners. The party were taken round a quadrangular single-storied white hospital building containing modern X-ray equipment and other surgical apparatus. It was learnt that the hospital would start working shortly.

Later in the day, the Labour Member was taken to a Leper Welfare Centre

where leprosy in its earlier stages can effectively be treated. Dr. Ambedkar also visited a small compact building accommodating a baby welfare centre where he saw frailbodied children of miners, who were being looked after by ayahs. The Labour Member expressed appreciation of these welfare efforts but asked why the children were frail and rickety. He was told that it was due to a deficiency of nutritive food.

School For Miners' Children

Winding their way along the road to Sitapur Colliery, the party visited a primary school where workers' children garlanded Dr. Ambedkar. The Labour Member chatted with a seven year-old boy—a miner's son—who answered questions regarding the earnings *of his family in halting but understandable English.*

Earlier in the day the party inspected the Sodhpur Stowing Plant— a huge mechanical structure drawing 200 tons of sand per hour from the Damodar basin in the vicinity and conveyed to the mines by automatic ropeways.

The party also inspected underground conditions of work in Sitapur colliery. They descended about 1,000 feet and saw coal being raised by up-to-date coal-cutting machinery.

On the way back to Dhanbad the Labour Member visited the " dhowras " (one-room tenements) in the Workers' colony at the Begunia collieries. The rooms were dark and, in one case, a calf, lazily chewing dry grass, was seen in the small verandah-sharing with the inmates their *scanty* accommodation. Dr. Ambedkar chatted with the inmates. It was learnt that workers get coal free of charge in sufficient quantities for domestic use. He made further enquiries regarding food, clothing and health of the workers.

Labour Problems Discussed At Dhanbad

The reason for the present shortage of coal and the measures to overcome it were discussed on Saturday at Dhanbad at a conference attended by representatives of the Central Government, the Governments of Bengal and Bihar, the three Mining Associations and spokesmen of Labour. The Hon'ble Dr. Ambedkar Labour Member, presided.

In a short opening speech the Chairman compared the conference with the Tripartite Labour Conferences at which questions relating to industrial labour are discussed. He emphasised the importance of producing more coal both for India's industries and war effort and hoped that the representatives of employers and employees would be able to give their best advice on the matter.

The reasons for the fall in labour were given as the exceptionally good harvest, which required more labour than usual owing to the " Grow More Food Campaign " and the competition of military work. Measures to meet the situation were considered, and employers' representatives asked for more petrol and lyres to help in bringing labour from neighbouring villages to the collieries.

A rationing scheme, proposed by the Central Government some time ago, and aiming at providing miners (both men and women) with an adequate ration, was the next item on the agenda. During the discussion, the possibility of the introduction by the Bihar Government of a rationing scheme in the area was mentioned and it was decided that the scheme introduced for the mines would have to be reconsidered if this occurred.

The scheme for miners' supplies includes provision for food for mine-workers' dependants. While fixing five days as the minimum number of days that must be worked to ensure the full week's ration, the scheme also provides for adequate supplies for those who work fewer days. It was agreed that rice should be sold initially to workers at six seers per rupee, and that necessary quantities of dal should also be sold at the same price.

The Conference also considered a scheme proposed by the Central Government for the supply of other commodities like salt, mustard oil, standard cloth and other consumer goods to workers—the intention is that bulk supplies should be placed at the disposal of Mining Associations for distribution to collieries. Among other measures put forward by Government for consideration as measures to promote the welfare of colliery labour, was a scheme for a Welfare Cess to be imposed forthwith to create a fund from which expenditure on welfare would be incurred and a proposal to appoint Labour Officers in all collieries with a production of over 100,000 tons.

Increase In Wages

The Conference agenda also included a number of items relating to wages of colliery workers, and Mining Associations seemed ready to make a further increase in the wages prevailing in 1939, bringing the temporary war increase to a total of 50 per cent above pre-war wages. They were, however, apprehensive that this increase would be wasted unless adequate stocks of consumer goods were available in the coalfields and the necessity of ensuring this was recognised.

Other items discussed included the possibility of applying the Payment of Wages Act to coalmines and certain difficulties of its application to the coal industry were noted. Requests from the industry in regard to assistance in matters of Excess Profits Tax and provision of machinery were also considered.

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Promotion of Labour Welfare in India

Question relating to clearness allowance for industrial workers, absenteeism, maintenance of service records and canteens were among the subjects discussed at the fourth meeting of the Standing Labour Committee which was held on January 25 and 26 in Lucknow.

The meeting was held at the Council House, the Hon'ble Dr. B. R. Ambedkar, Labour Member, Government of India, presiding. Five delegates each of employers' and workers' organisations, five delegates of Provincial

Governments and three delegates representing the Indian States attended.

Dr. Ambedkar's Speech

In his opening remarks, the Chairman, referring to the steps which are being taken by the Central Government to implement the decisions taken at an earlier session of the Standing Labour Committee, indicated that the Government had decided to introduce the Fair Wages Clause in contracts entered into by the Central Public Works Department. The question of introducing a similar clause in contracts entered into by other Departments of the Central Government, he said, was under consideration.

The Chairman also announced that in pursuance of the resolution passed at the last Plenary session of the Labour Conference, the Government of India had appointed a Labour Investigation Committee for the investigation of wages, earnings and other conditions of labour. The question of extending the enquiry in a suitable manner to agricultural wage earners, he said, was also being considered in consultation with the Provincial Governments.

The Committee then discussed the method of Statutory Wage Control in India if and when such statutory control was found necessary.

It appeared that the delegates generally considered that Wage Boards, when a decision was taken to set them up, should be on a Provincial basis and deal with individual industries.

After a brief discussion on the Employment Exchanges Scheme and statements by Provincial Government representatives on the progress of the Scheme in the provinces, the Committee considered Model Provident Fund Rules circulated by the Central Government for eliciting the opinion of the delegates as well as some details regarding the management of the Fund, the contribution of Employees and Workers and Advances from the Fund.

Dearness Allowance

The Committee also considered the report on Dearness Allowance, submitted by the Gregory Committee which was constituted by the Chairman of the Tripartite Labour Conference in pursuance of a resolution passed at the last session of the Conference. Among other points arising out of the report questions relating to general principles for fixing dearness allowance, the nature of these principles, the desirability of having different rates for different industries or different regions, and the relation of dearness allowance to rising or falling Cost of Living Indices, were discussed.

The Committee, it is understood, agreed that general principles should, to the maximum extent possible, be laid down by the Government for dealing with the question of dearness allowance paid or to be paid by industrial concerns. Agreeing that the report of the Subcommittee would serve as a useful guide to Government in laying down principles for dearness allowance, the Committee decided to forward the report to the Government of India for consideration in the light of opinions expressed by the delegates.

Absenteeism

A draft scheme for a sample survey into absenteeism in industrial undertakings especially undertakings engaged on war production was one of the items on the agenda. The Scheme aims at a factual survey of the problem including investigation of causes like sickness, accident, leave, social or religious reasons, transport difficulties, lateness which result in absenteeism. It is learnt that the scheme was generally agreed to with some amendments.

Earlier during the Session, the Committee reviewed the progress achieved in respect of opening cooked food and refreshment canteens for workers in industrial concerns. It was revealed that in spite of difficulties such canteens were functioning in considerable numbers and were proving popular among the workers.

Coal Mines Labour Welfare Ordinance, 1944

An ordinance entitled " The Coal Mines Labour Welfare Ordinance, 1944," has been promulgated today, constituting a fund for financing activities to promote the welfare of labour employed in the coal mining industry. The Ordinance extends to the whole of British India and comes into force at once, said a Press Note issued by the Labour Department, Government of India, on January 31. It continued :

To create the fund, the Central Government will levy a cess on all coal and soft coke despatched by rail from collieries in British India, at a rate to be fixed from time to time by notification in the *Gazette of India* after consultation with an Advisory Committee. This duty will not be less than one anna and not more than four annas per ton. The duty will be collected, on behalf of the Central Government, by the Railway Administration by which coal or soft coke is carried.

While the Ordinance generally provides that the proceeds thus realised will be credited to a Labour Welfare Fund to meet expenditure on measures " necessary or expedient to promote the welfare of labour employed in the coal-mining industry ", it specifies a number of items for which the fund may in particular be utilised. The labour welfare programme to be financed from the Fund aims at providing housing, water supplies, facilities for washing, improvement of educational facilities and standards of living among the workers, including nutrition, amelioration of social conditions and the provision of recreation and transport facilities.

The improvement of public health and sanitation, the prevention of disease, the provision of medical facilities and the improvement of existing facilities are so included. Provision has also been made for giving grants out of the fund to a Provincial Government, a local authority, or the owner, agent or manager of a coal mine in aid of any scheme for the welfare of labour which is approved by the Central Government. This provision will ensure that the fullest use is made of existing organisations with such strengthening as may be necessary, and of existing approved welfare schemes to which support can be given from

the fund.

Advisory Committee

The Ordinance further empowers the Central Government to set up an Advisory Committee whose members will include, among others, an equal number of members representing colliery owners and workmen employed in the coal mining industry. One member of the Advisory Committee must be a woman. The Committee will advise the Central Government on matters on which the Central Government is required by the Ordinance to consult it and on any other matters arising out of the administration of the Ordinance.

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